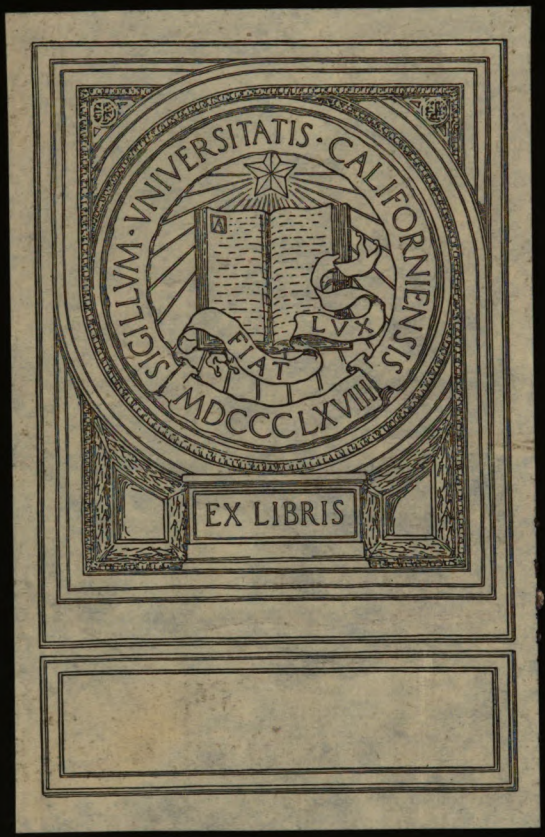
LABOR & LAW

by

Charles Bradlaugh

WITH MEMOIR



C Marsh Beadnell
June. 1919.
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LABOR AND LAW.

BY

CHARLES BRADLAUGH.

With a Memoir and Two Portraits.

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PREFACE.

MR. BRADLAUGH was busily engaged on his book on "Labor and Law" at the time he was seized by his fatal illness; and it was among the subjects which oftenest occupied his mind till he became unconscious. In addition to the chapters published, he had contemplated three on "Eight Hours in Mines," "Friendly Societies Legislation," and "Emigration and Immigration." The latter two, for which he had studied much, would have been specially important, but he has left no notes for them which can be utilised. There have been added, however, three papers by him on "Force or Conciliation in Labor Disputes," "Socialism in Europe," and "A Starved Government Department," all of which may fitly come under the general title "Labor and Law." These papers appeared respectively in the *Universal Review*, *Subjects of the Day*, and the *New Review*, to the proprietors of which thanks are due for the permission to republish. Some passages in these

articles which Mr. Bradlaugh had embodied in the chapters of "Labor and Law" have been deleted.

Of the two photographs in this volume, one was taken about 1880, before the Parliamentary struggle, the other last year. They tell their own story.

April, 1891.

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MEMOIR.

MEMOIR.

An adequate Life of Mr. Bradlaugh, it is to be hoped, will ere long be compiled. Meantime, a short memoir, covering his life to the close, will probably be acceptable to many of the readers of the volume now issued.

The facts as to his early life are perhaps now among the best known concerning him, by reason of the strong impression made by the story of his early expulsion from home, under clerical pressure. Doubtless this episode, exclusively regarded, lends itself to one or two false inferences. Charles Bradlaugh, the elder, was not a bad father, though he was unfortunate in his regimen. A poor solicitor's clerk, he had to work very hard to support his family; and some genial qualities which his son inherited and developed had in him to struggle against hard conditions of life. He seems even to have had literary tastes, and to have contributed sketches, stories, and articles to the *London Mirror*; and

his son liked to remember how he and his father had in common a passionate love of fishing, in gratification of which the elder would often get up at three in the morning and walk from Hackney to Temple Mills on the river Lea. Beyond this trait, we know little of the heredity of the man we have lately lost. The family genealogy has not yet been traced, though this ought not to be difficult, considering the remarkable rarity of the name. Apart from his family, it does not occur in the London Directory; and I do not hear of it anywhere else. But at Kelsall Church, Suffolk, there is a monumental brass which names a Dorothy Bradlaugh *alias* Jacob, as the wife of a "gent." who died in 1605; and at Saxfield Church in the same county there is a stone with a shield which has "the arms of Bradlaugh *alias* Jacob". I have heard Mr. Bradlaugh say that he thought his family might be of Irish origin; and the form of the name encourages this view; but he professed no certainty on the subject; and seeing that at Saxfield there is another stone for "Nicholas Bradley *alias* Jacob", who died in 1628, it would seem that the two forms of the name are at least equally English in their recent history. His mother's name was Trimby. She seems, from the testimony

of others of the family, to have been a woman of firm and even hard character, though of her too her son spoke not unfilially.

Born on 26th September, 1833, Charles Bradlaugh was seven years old before he was sent to a National School in Abbey Street, Bethnal Green; and all his formal schooling was comprised between that beginning and his eleventh year. In this period the family lived successively in Bacchus Walk, in Bird Cage Walk, in Elizabeth Street, and at 13 Warner Place, Hackney, always poorly, the father having been unable to keep the second house mentioned, where he had a large garden, which he eagerly cultivated.

The son's recollections began to be precise from about his tenth year, when he discovered among his father's books a copy of Cobbett's "Political Gridiron". About this time too he bought a copy of the "Charter" for one half-penny, without however developing enough enthusiasm for the cause to make him abandon his favorite games of private theatricals and sham fights, conducted with paper figures and rows of old steel nibs. His having to leave school at eleven points to continued poverty in the family, though he was not sent to work for a living till

he was twelve. Then he was made errand boy in the office of his father's employer; after two years of which occupation he became wharf clerk and cashier to a firm of coal merchants. About this time it was that the Chartist movement woke in him the beginning of political ideas, ideals, convictions, and purposes; and life began for him in earnest.

Freethinkers recognise that those who were earnest as Christians make the best converts, not on the score of their old ethics, which they have for the most part to unlearn, but simply because earnestness is a virtue of temperament. The boy Charles Bradlaugh was so much in earnest in his boyish piety that his Church of England pastor, the Rev. Mr. Packer of St. Peter's, Hackney Road, made him a Sunday School teacher. It was in the course of an attempt by the rev. gentleman to prepare a few of his best Bible-class pupils for a show-off before the Bishop, at confirmation, that the too intelligent Charles was set to study specially the thirty-nine articles and the Gospels. About the year 1848, ere Strauss was translated, it must have taken a very vigorous intelligence, in an English boy, to conceive that there could be such a thing as a discrepancy between religion and common sense. In current

literature there was practically no hint of rationalism beyond the non-committal bluster of Carlyle, which would be unknown to the common people; and the defiant propaganda of the other Carlile, then dead, would be a mere horror for all save an audacious few. But the young Bradlaugh had in him that which a consistent Theism, one would think, should regard as something good rather than bad, the capacity, namely, to think out old doctrine afresh for himself; and his first step was to see some of the contradictions of the faith. Nowadays, when "the Church", that elusive abstraction, has seen the need of a *modus vivendi* between its income and its creed, such cases are sought to be treated by systems of accommodation which compare not unfavorably with the Neo-Platonist vindications of Pagan mythology. But the Rev. Mr. Packer belonged to the Golden Age which began with the French Revolution, the age in which all "infidel objections" had been for the last time "triumphantly answered" by Paley and Bishop Watson; and he took what was then felt to be the common-sense course of suspending the boy for three months from his office of teacher, and writing a severe letter about him to his parents. The boy, still perfectly loyal in the main to his trying creed, began to spend his Sunday after-

noons in the then open ground of Bonner's Fields, one of the sites of that world of open-air Sunday declamation and discussion which strikes foreigners as so remarkable a feature in the life of our large towns. There he began bravely to debate, boy as he was, in defence of the faith in which he had been bred, so far as he still felt he could defend it. The end, for his at once acute and candid intelligence, came soon. In 1849 he engaged in a public discussion with a Freethinker on the "Inspiration of the Bible", and, finding himself worsted, took the singular course of owning it. Probably, like, so many others, he remained for some time a Theist after giving up revelation; but for him it would be at all times impossible to assimilate the doctrine that a religion of delusions is divinely ordained for human education, and that those are the wise who are able to co-operate in the divine strategy.

It was at this stage, aged sixteen, that he again approached Mr. Packer in all good faith, avowing the new heresy of teetotalism, and naïvely asking the reverend gentleman to read Robert Taylor's "Diegesis". And then it was that, on a consultation with the boy's father and employers, Mr. Packer informed him that he was allowed three days to "change his opinions or lose

his situation". Always generous in his estimates of his enemies, Bradlaugh in later life came to the opinion that the threat was only meant to terrify him, and that it would not have been enforced if he had simply held on, neither recanting nor recoiling. But it was not in his nature to evade a menace; and he took his elders at their word, and left situation and home on the third day. The key-note of his life had been struck.

It will be plain here, however, to the common-sense of laymen, that Bradlaugh was certain to become a Freethinker whatever Mr. Packer did; and seldom have the English clergy of all orders been more grotesque than in their recent protestations against the priestly tyranny which, as they think, turned a great potential Christian into an Atheist. Let us be just even to the Packers, though the prototype, as it happens, later developed his policy to the extent of alleging, in a published letter, that Bradlaugh was nineteen when he "joined himself to a set of infidels (the Carliles) who came into my district", and "by so doing incensed his father to a great degree"; adding that he, Mr. Packer, had nothing to do with turning the young man out. "On the contrary", he says, "I endeavored to reclaim the young man and to pacify his father." The facts were that the boy

left home when he was a little over sixteen; that a little over a year afterwards he joined the army; and that from that time till he was over twenty he remained there. The usual fatality of ecclesiastical history, here manifested, has been got rid of by one apologist in the usual way, by the remark that Mr. Packer only "made a mistake of a few months in Mr. Bradlaugh's age at the time when he left Mr. Packer's parish"; and doubtless this will become the orthodox record.

Mr. Bradlaugh's first pamphlet, however, published in 1850, suffices to establish the main facts. That pamphlet is undated, and there has been some difficulty in fixing the year of issue, but it must have been 1850. In 1861 Mr. Bradlaugh dedicated to Mr. Packer his volume "The Bible: What it is", in the following terms:—

"SIR,—To you, twelve years since, I dedicated my first pamphlet, and again to you I dedicate this volume, and this because, but for you, I might never have advanced so far in the path of Freethought.

When I first inquired, you (then my pastor), as a thoroughly orthodox clergyman, rebuked my earliest efforts at inquiry, and divided me from a kind father, and from a home in which I had been well—if not fondly—treated. Your course has incited me to increased exertion, and your last unworthy and unprovoked action towards myself (I refer to your mendacious letter to the Rev. Brewin Grant, B.A.), induces me again to address you publicly, and to dedicate to you the following commentary. . . . .

When I do better things I will dedicate to some more worthy man. . . . ."

The "mendacious letter" was that above quoted.

If the "twelve years since" be literally exact, the pamphlet must have been published in 1849. In 1873, however, in a short autobiography written at the request of many friends, before leaving for America, Mr. Bradlaugh says, still going by memory, and without documentary guides, "I wrote my first pamphlet, 'A Few Words on the Christian's Creed,' about the middle of 1850". The "twelve years since" of 1861, therefore, should be "over eleven years since". But this makes it certain that the boy was not seventeen years old when Mr. Packer drove him from home, for the 1850 pamphlet, of which one copy has lately been found, is dedicated to the same gentleman, on the score of "the misfortunes which I owe to your officious interference". On the back of this early publication is the announcement: "In the Press, and will be published about the Middle of October, 16 pages, Price One Penny. CHRISTIANITY A DELUSION. By C. Bradlaugh, Jun." Supposing the first pamphlet to be issued in August, Mr. Packer's stroke of policy would be placed some little time earlier, probably in the winter of 1849, as Mr. Headingley's biography states.

As Mr. Bradlaugh had thus erred "a few months" about his dates, it might be charitably supposed that Mr. Packer's error of a few *years* was the lapse of a mind used to the large margins of ancient chronology, were it not for the express denial of any interference. That denial, sufficiently rebutted by the 1850 pamphlet, as well as by the testimony of survivors, passes the bounds of pardonable infirmity.

Mr. Bradlaugh, it will be noted, felt in 1861 that, but for Mr. Packer's menace, he "might never have advanced so far in the path of Freethought". That is quite probable; but it is another thing to say, as Mr. Headingley somewhat thoughtlessly does, that "had the Rev. Mr. Packer shown a little more self-control and discretion Bradlaugh might never have been a Freethinker". The boy began Freethinking as soon as he began carefully to read the Articles and the Gospels; and to most of those who knew the man it is inconceivable that he could under any circumstances have developed into orthodoxy. His master quality was a fiery rectitude, which only in matters of action involving human welfare was in any degree subordinated to his keen worldly sagacity. Had he been allowed to grow up as so many others have done, he might, perhaps, have devoted himself

more to making his fortune than to proclaiming his beliefs; but he must needs have become a Rationalist: and in view of the many inducements he had to embrace some other and less unpopular philosophy than the specifically Atheistic, and his inability to the last to find any other tenable position, it is safe to say that whatever his worldly position might have been—and, if his youth had gone smoothly, it might have been that of a great awyer—he must needs have become an Atheist. The chances are, then (to use a somewhat irrational way of speaking), that in any case he would have been something of an Atheistic propagandist; and when I reflect how chivalrous, how combative was his nature, especially in his strenuous prime, and how essentially he was an orator, I cannot but think that he would in any case have found his way to the front of the Freethought battle; and that what Mr. Packer did in playing his evil part was only to precipitate the beginning of the career on which Bradlaugh must inevitably have entered. Indeed his action was the ostensible cause of Bradlaugh's enlistment in the army, which was, probably, a great advantage to the victim, inasmuch as his army life built up for him a very powerful physique, which afterwards counted for a great deal.

This is not the place to deal at any further length with the clerical view, developed from Mr. Headingley's, that Charles Bradlaugh might have been a zealous Christian if only he had been kindly treated in his youth, or later. Scores of "liberal" clergymen have each, with touching simplicity, indicated the conviction that if only the Atheist had been privileged to meet *him* in earlier days he would have been kept to the right path. They too, good gentlemen, have "had their doubts"; but between special Providence and individual force of mind they got over them; and what they could do, an able man like Bradlaugh might have been (by God's help) enabled to do. I must content myself with saying that these thinkers miscalculate. The upshot of your doubts concerning the Christian religion depends on the amount of intelligence which you have to doubt with; and the great majority of the reverend and unreverend gentlemen who deplore or contemn Charles Bradlaugh's Atheism are visibly incompetent to have argued coherently with him on religious matters for half-an-hour. Men whose religion is a mixture of hysteria and second-hand fallacy will always be able to look down on reason and science; and they may in this case be left to do so.

The story of Bradlaugh's boyish struggles to make a living has often been told, and will be found in some detail in Mr. Headingley's Life. He was sheltered, first by Mr. B. B. Jones, a kind old Chartist, later by Mrs. Sharples Carlile —the excellent woman who, bravely uniting herself with Richard Carlile when he was able to allot a good maintenance to the wife from whom he separated on account of her bitter opposition to his views, cheered him steadfastly in his long battle, and indomitably maintained herself and her three children after his death. They were extremely poor; and the boy guest fell in love with one of the daughters, Hypatia—desperately and vainly, but also transiently. Quite recently, the facts have been falsified into an infamous libel on the entire Carlile family and their boy guest, by one of those persons who find this the most congenial way of vindicating Christianity against scepticism. It has to be borne in mind that such pious calumny followed Charles Bradlaugh his whole life through.

In these early days of not quite unhappy hardship, the young Freethinker zealously laid the foundations of the exact knowledge that was to fit him for his life's work as a debater. From a friend of the Carliles he learned French, with

the girls; and even at this early age he began to study Hebrew, Greek, and Arabic. Only in French and Hebrew did he finally reach competence — "a little Hebrew and an imperfect smattering of other tongues" was his own modest account of his studies—but in both Greek and Arabic he acquired considerable command of vocabulary. He had much of the constitution of the scholar: great patience over textual study and comparison, tireless industry, an excellent memory, and an innate love of exactitude; and with a scholarly training he might have done great things in that field. As it was, only his immense energy enabled him to achieve what he did.

Even at this early age, too, he had acquired much of his faculty in public speaking. A course of mobs, says Emerson, is a capital training for the orator. It was a main part of Bradlaugh's preparation. Between open-air and indoor lecturing and debating he soon acquired fluency and self-possession; and the 1850 pamphlet, crude as it necessarily was, is yet as much more intellectual in its crudity than the common run of open-air preaching as is ripe philosophy compared with an average Bampton lecture. He must have been a redoubtable antagonist, even in his boyhood, tenacious, resourceful, overpowering. Already, too, he

was an ardent politician, taking part in all the London gatherings held on behalf of the Poles and Hungarians, themes which moved him to the execution of a good deal of verse, which I understand to have been frightful.

To his great delight at that time, the chair was taken for him in one of those early lectures in October 1850, by Mr. George Jacob Holyoake, whose brother Austin was already his friend; and one copy of the little handbill issued on this occasion, accidentally preserved by Mr. Holyoake, ranks with the copy of his first pamphlet as a date-document for his biography. But lecturing was not yet to bring him a living. "I got very poor," he tells in his scanty autobiography, "and at that time was also very proud. A subscription offered me by a few Freethinkers shocked me, and awakened me to a sense of my poverty; so, telling no one where I was going, I went away, and on the 17th of December, 1850, was after some difficulty enlisted in the 7th Dragoon Guards." He had been in debt to the extent of £4 15*s*., and a bounty of £6 10*s*. was offered to recruits for the East India Service, which sufficed to clear off all he owed. This, too, was typical. All through his life he had to shape his course to the paying off of debts, toil as he would.

The "difficulty" in the enlistment was made by the attempt of cavalry and infantry recruiting serjeants to "swop" men. Bradlaugh characteristically protested, and in the end was allowed to choose his regiment. Even in the act of crossing the channel to Ireland, the gaunt hobbledehoy recruit contrived to establish an ascendancy over his fellows. They began, in his sick stage, by playing football with his silk hat, and making missiles of his Greek and Arabic dictionaries. But when the Captain, after employing the recruits to move the cargo during a storm, on a promise of a distributed £5, sought to compromise by a few half-crowns to the foremost men, the champion of popular rights asserted himself in a broadside of fiery eloquence, to which the astonished captain succumbed; and the orator became the hero of the hour. In barracks, the course of things was similar. With more than usual difficulty he mastered riding and fencing under the pitiless barrack-tuition; and soon he established himself by a successful fight with a bully. Mrs. Besant has told the story[1] as I have heard him tell it. He won by main force, not "science" falsely so-called. "You are bound to go down if 'Leaves'

[1] In the *Review of Reviews*, March, 1890.

hits you", was the general verdict; "but you're a fool if you get in the way of his fists." Still, the fists served; and "Leaves", so-called on the combined strength of his ardent teetotalism and his constant reading, became the most popular man in the regiment.

In Mrs. Besant's bright sketch and in Mr. Headingley's book will be found various stories of his army life. One that they do not tell is of his experience at Donnybrook Fair. The regiment was quartered near that historic village; and when Fair time came near the peasantry circulated a well-planned taunt to the effect that the men of the Seventh would be afraid to present themselves on the great day. The Seventh acted accordingly. Sixteen picked men got a day's leave—and shillelaghs. "I was the shortest of the sixteen," said Bradlaugh on the one occasion on which, at dinner, in my hearing, with some humorous qualms, he related the episode; and *he* stood 6 feet 1½ inches. The sixteen just "fought through"; and their arms and legs were black for many weeks, though their heads, light as they clearly were, did not suffer seriously. The ladies at dinner, Mrs. Besant in particular, protested warmly against the "brutality" of the entire proceedings. "Ah", he sighed, with imperfect penitence, "I *couldn't* do it now." In

the last talk I had with him before I saw him on his death-bed, we spoke of the Home Rule strife in Ireland, and of Mr. Davitt's exploit of hewing his way through the crowd of enemies, with his single arm and stick, at a recent meeting. On my remarking that shillelagh-fighting must be rather desperate when you have not a left arm to guard with, he laughingly suggested, recalling Donnybrook, that to set up a tendency to erisypelas in the arm was perhaps as dangerous as a broken head.

It was in his army days that Bradlaugh met James Thomson, who was later to publish "The City of Dreadful Night" in his journal, the *National Reformer*. Thomson was regimental schoolmaster, and he found in Bradlaugh an intellectual companion. The latter, I understand, suffered much persecution from one of his officers, and Thomson's friendship restrained him, perhaps, from some violent courses. They used to talk together at nights while the trooper was on sentry duty; and the talk ranged far.

Among the innumerable misrepresentations of the facts of Bradlaugh's life, is a statement by his "Evangelist" brother (who has recently figured in a notable case of literary larceny) to the effect that his discharge from the Army was procured by

his mother and sisters. The facts are that one sister wanted to do so after his father's death in 1852; and that he was eager to return to bear the family burden; but that only a legacy which came to the family on the death of an aunt, in the summer of 1853, enabled him to buy himself out. Of this legacy the portion applied on his behalf was ultimately repaid to his mother, who had not favored his sister's proposal to buy his discharge. Another Christian myth tells that he bought out to escape service in the Crimea. The date may here suffice as answer.

He had to begin the world entirely anew. Tall trooper as he was, he took a post as "errand-boy" in a lawyer's office at ten shillings a week, sticking at nothing in the struggle to help the old home, to which now he brought a cheery brightness it had little known. In this employ he rose to be managing clerk, vigorously carrying on all the while his Freethought propaganda under the *nom de guerre* of "Iconoclast", which he used till 1868, to "avoid in some degree the efforts which were made to ruin me", he has explained. As it was, only a very liberal-minded master, in the England of those days, would have consented to keep a clerk who carried on, even pseudonymously, such work as Bradlaugh did. Like Raleigh, he "could labor

terribly"; and through all his public life he is to be found doing, in his own person, the work of three energetic men. One who knew him in his prime, and for years worked with him, has testified: "In private he was a most genial and entertaining friend — the only drawback was his incessant devotion to work. He was always writing or studying, even at meals. He seemed to be unable to spare a moment for recreation — a game of billiards or draughts being the sum total; and even while these were in progress he would inquire what I was going to do in my next article. . . . . If ever man lived with more anxieties and more industry, I have yet to learn his name. He studied and knew something of almost everything, and his memory seemed never to fail him."

But it was not only constant toil that he took upon himself in working out his mission. To carry on a Freethought propaganda throughout England thirty years ago meant more than hard work: it meant ferocious and riotous opposition, and obloquy of a kind that to-day is difficult to realise. Some of his early lecturing experiences, recounted by Mr. Headingley, cannot now be paralleled. Thus at Wigan he was mobbed; the windows were broken while he lectured; a local clergyman led an assault on the door when the hall was full, the

rev. gentleman's secretary forced himself through a window; lime was thrown in; and water was poured down through the ventilators. After the lecture he was mobbed and insulted; and when, at great risk, he got to his hotel, the landlady proposed to turn him out. On a second visit to the same town, though the lecture passed off without riot, he was furiously mobbed afterwards, and narrowly missed injury from brickbats. At Norwich, he was hooted and stoned. At Guernsey, after posting his own bills, he had to let in the crowd gratis, and was bombarded in the lecture hall, and menaced afterwards pretty much as at Wigan; only luck combined with intrepidity carrying him off safely. At Dumfries the hall was stoned and the lamps outside smashed; and again he had a narrow escape from the pietists afterwards. At Burnley the meeting was broken up by a riot, stated to have been led by Methodists. But this was not a man to be deterred by violence or menace. I suppose he had a certain unconfessed enjoyment in his battles, which he always took light-heartedly, and which he always won. After a riot, he went again, till he had an enthusiastic audience. Wherever he went, he made Freethinkers; and Burnley, where thirty years ago he was swept from the platform by a mob of Christians, has been the first town to

make a systematic subscription towards the paying off of the debentures of the Freethought Publishing Company, which remained as a charge on his estate.

It is notable that the riotous opposition to the Freethought lecturer was generally led or instigated by "well-dressed persons". It is such persons who now excuse the injustice put upon him by the plea that he had shocked Christians, and wounded their feelings by the manner of his advocacy. Now, the fact is that Freethought advocacy in general, but his in particular, has never been nearly so careless of opponents' susceptibilities as has ordinary orthodox treatment of Freethought. For many generations that has been in chief part a process of mere insult, vituperation, and slander. "Iconoclast," in his fieriest days, was a reasoner, a critic, dealing little even in invective, where invective was very justifiable. What constitutes a wound to the feelings of orthodoxy may be gathered from a passage quoted by Mr. Headingley from the report of a petty law case, tried in 1860, in which the plaintiff, an Atheist lady, was non-suited on the score of her opinions.

"The Judge: You don't believe in any human responsibility for telling a lie?

Witness: Yes.

His Honor: Except to society?

Witness: No.

His Honor: Do you believe in a God who can punish you for telling a lie?

Witness: No.

His Honor: Then I cannot hear you. I nonsuit the plaintiff, with costs of defendant's advocate. *If people will insult public opinion in a court of justice they must take the consequences.*"

A judge cannot now work iniquity in that fashion; the Evidence Further Amendment Act — won in 1870, by Bradlaugh after a prolonged struggle which loaded him with debt — and finally the Oaths Act, 1888, protect Atheist suitors and witnesses from injustice, and to some extent from judicial insult. But the spirit which denounces courteous rationalism as an insult to public opinion, still survives. The mobs of a generation ago prepared to stone the Atheist before they heard a word of what he had to say: the orthodox historians of the present decide that the Atheist brought it all on himself. One of the latest samples of that judicial method is supplied by the *Cape Argus*, which describes Mr. Bradlaugh's manner of advocacy as coarse and offensive, and goes on to cite the old "watch" myth—the story of his having held his watch in his hand and publicly defied God to strike him dead in ten minutes. This story was told of

other and earlier Freethinkers; and the *Cape Argus* expressly admits that it is a fiction, but gives the story as "well illustrating the popular opinion of the man". Yet this is the sole proof given by the journalist in support of his charge of coarseness and offensiveness. To those who repeat the other formula as to his being a mere puller-down, he gave his own dignified answer as long ago as 1863. "I have attacked the Bible; but never the letter alone; the Church, but never have I confined myself to a mere assault on its practices. I have deemed that I attacked theology best in asserting most the fulness of humanity. I have regarded iconoclastism as a means, not as an end. The work is weary, but the end is well."

Like all his English predecessors in the popular Freethought movement, Bradlaugh was no less active in political than in anti-theological work. He lectured for Garibaldi, and, while himself burdened with unjust debts, collected for him a hundred guineas. He even went to Italy, partly on business, partly to help the patriots, and he carried away from Naples, a few days after Bomba's fall, a packet of letters, which he had to preserve from the Papal gendarmes by presenting his revolver when they sought to rifle his baggage on the steamer. He revered Mazzini, for whom he often worked, and for whom, he has

been heard to say he would have died. One of his earliest proceedings in Northampton, which he first visited in 1859, was to do battle with a clergyman who sold up parishioners' goods for church rates. In 1855 he had won much popular favor by his bearing on the occasion of the attempt to prevent a popular meeting in Hyde Park against the Sunday Trading Bill; and in 1866 he was especially prominent in the Reform demonstration in the course of which the Hyde Park railings were thrown down. That episode was not of his making. At a Trafalgar Square mass meeting, prohibited and then permitted, he was a leading speaker; and when the Executive prohibited a mass meeting in Hyde Park he persuaded the Reform League to disobey. He was not the responsible organiser, but obeyed, with military precision, the orders of his superiors; and when the railings went down he drew off a large part of the crowd to Trafalgar Square, where speeches were made in due form. For such occasions he was eminently fit. Opposition which discomfited ordinary leaders found in him a fighter not limited to the resources of an effete civilisation. A cabman, for instance, had a guinea given him to drive through a Reform procession. Bradlaugh "took such order" that the horse went down one street with a few fragments while the bulk of the cab, in other fragments,

went down another. Coal-sellers were paid to block a street with their waggon, and their coal promptly paved a large part of the neighborhood. They were only too glad to get leave to drive off. And on one of those "demonstration" days Bradlaugh rode his horse up the steps of Trafalgar Square and beat off with his whip a gang of roughs who were using as missiles a quantity of flints which, with or without official forethought, had been piled there. He had not ridden a horse since his army days; and the man who supplied his charger, a powerful and fiery animal, warned him that he would probably fall off. He thought so too, till the stones were flying and he charged up the steps. Then he recovered his army seat.

But these episodes were only the embellishments of an educative political work which was done by hundreds of lectures, in scores of towns. And the Reform agitation was only part of his work. His "Impeachment of the House of Brunswick" remains to show what in his youth he sought and hoped to do for Republicanism in England. He was deeply implicated in the Fenian movement, as will be more fully told when his Life is written. But while in that case he was disposed to join in an appeal to force, his predominant passion was always the legal rectification of law, and the legal redress of illegality.

When he took to force, it was with the law on his side. When a rascal entrapped some working men into building a hall on freehold ground, without any deed to secure them in possession, and then claimed it as his own, Bradlaugh directed them to take it down and carry away the materials, which they did. In 1872, when others had been prosecuted under Mr. Ayrton's Hyde Park regulations, Bradlaugh held a meeting and challenged prosecution, but it did not come. Kept out of a hall he had duly hired at Huddersfield, he broke into it; and he defeated the lawyer who prosecuted him, as he defeated the persecuting authorities of Devonport. And for the best part of his public life he was fighting the Government upon one point or another. By legal resistance he reformed the law as to the evidence of unbelievers; by legal resistance he broke down the embargo laid on cheap journals by the enforcement of heavy sureties against the publication of blasphemy and sedition. These are old stories now; but it will not readily be forgotten how he vindicated at once the right of a constituency to return the representative of its choice, and the right of an Atheist to sit in the English House of Commons.

His legal performances were the result of a genius for lawyering, developed by many years of practical legal work. For some four years he was in the office

of Mr. Rogers, part of that time as managing clerk; and his experiences in that capacity alone, including as they did the personal capture, on one occasion, of a criminal, would fill a chapter. But he was unlucky even in his legal career. He could not become a barrister, by reason of the rule that prevents the student from following any other occupation. In 1857 he left Mr. Rogers to be articled to another solicitor named Harvey, who soon fell into money difficulties in which Bradlaugh was seriously involved. Then he had rheumatic fever, after recovering from which he devoted three years to lecturing in the provinces. Again, in 1861, he articled himself to Mr. Leverson, a solicitor of Radical opinions, with whom he worked for two years. In 1863, however, again suffering from ill health, he withdrew not only from the law but from the editorship of the *National Reformer*, which he had established in 1860. He took to "business," but was not finally successful in that either. "I have great faculties," he once said to me, "for making money; and great faculties for losing it." Once, as a financier, he was intrusted with the negotiation of a loan for the city of Pisa, with some of whose authorities he had become acquainted in some of his various journeys to Italy. His percentage, small in name,

was to be considerable in total, on a loan of £750,000. He duly arranged matters with a certain London financier, who thereupon sent off a clerk to Pisa to offer the money at a fraction less than Bradlaugh was to get, provided he got the whole commission. Bradlaugh, however, had been secured in the conduct of the transaction up to a given date. He instantly went to Rothschild, who allowed no commission, and put the loan in their hands. The other financier thus got nothing; but so did Bradlaugh.

More and more he gravitated towards politics, never, however, dropping his Secularism. As the boundless energies of his youth began to show their limits, he addressed himself more and more circumspectly to the fulfilment of his high ambitions, perfectly determined, however, never to forego his advocacy of right reason in religion, cost what it might. In 1868 he fought his first election contest at Northampton, and was heavily beaten. The mass of the people had seemed to be wholly with him; but a rival candidate, supported by Mr. Gladstone, easily secured the majority of the middle-class votes against the Atheist, who was vilified as might have been expected. At this time he was loaded with debts from his lawsuits, some against libellers and swindlers who went bankrupt when beaten, some in resistance

to tyrannous prosecutions and oppressive laws. Earning £1,000 a year by his lectures, he lived in three-and-sixpenny lodgings in the East End, while his wife and daughters lived in the country. Even when he did get his damages in a libel case he always, on principle, gave them to charities; and the Masonic Boys' School in particular has received hundreds of pounds from him in that way, small as were the sums which juries usually allowed him. He vindicated his love of justice at a heavy price, being indeed a Quixotically generous man in many things. A clergyman published against him a vile personal libel, and had to pay £100 damages. The rev. gentleman thereupon made an abject appeal to the man he had slandered, not to publish his name; and Bradlaugh kept this promise to the last, though the clergyman, who was a leading contributor to the *Rock*, continued through that medium to attack him.

These libel-suits of his, be it remembered, were not those of a litigious man. He contemptuously ignored the great majority of the calumnies against him, and only dealt with those which specially tended to injure his influence, such as the ever-popular "Watch story" and the repeated allegations that he left his wife and children chargeable to the parish. He had larger ambitions than that charged against him by stupid people, of "acquiring

notoriety". In 1870 he organised and addressed a series of great meetings in London and the provinces, leading Positivists like Dr. Congreve and Professor Beesly helping him, in protest against the throwing of English influence into the scale against struggling France. For this service, which changed the attitude of the English Government, he was warmly thanked by the Republican Government at Tours, by M. Tissot, the French Chargé d'Affaires in England, and by other leading Frenchmen. Still he would not trim his sails for French any more than for English popularity; and his intimacies with M. de Girardin, whom he greatly esteemed, and Prince Jerome, whom he personally liked, won him some Republican and Communist ill-will. While M. Thiers was fighting the Commune, he proposed to attempt a personal negotiation between the belligerents; but the Thiers Government turned him back at Calais; and perhaps his entirely non-Communist republicanism would, in any case, have turned the infuriated Commune against him then, as it did many of the exiles afterwards.

At this time his own hopes for an English Republic ran high. When the nation was celebrating with strange self-prostration its pious gratitude for the recovery of the Prince of Wales, holding a national thanksgiving service in St. Paul's, Bradlaugh

held a meeting of protest against the assumption that these were the things which a great nation should count as its greatest blessings. His "Impeachment of the House of Brunswick", published about this time, was a relevant attack on a royalism which rests the maintenance of monarchy on a personal devotion to a house that, with but a few exceptions, has been little worthy of personal esteem. In 1873 was held the Republican Conference at Birmingham; and from that Conference he went to Spain to express its sympathy with Spain in its struggle to establish a Republic. He was officially received by Senor Castelar, that nugatory rhetorician, who has since Bradlaugh's death emitted a senile attack on his Atheism and Malthusianism, and has given an account of the visit which is convicted of falsehood at half-a-dozen points by the records of the time. It has been told how Bradlaugh offered to go with fifty horsemen and shoot the traitorous Carlist General in the north; but Cicero-Castelar, who has told how much he was afraid of the English ambassador, was not the man for such measures. In his speech at the Madrid banquet given in his honor, Bradlaugh expressed a hope that England might be a Republic within twenty years, but that in any case it would be established in peace. Latterly he was content to put the date later; look-

ing to the consummation, however, as the present heir to the throne is understood to do, as a question of a generation at most. I have heard him say he thought he could establish a Republic if he had half a million of money. But of all men he knew best that the decisive ending of monarchy must be a matter of thorough national deliberation.

After the Spanish journey, made in the cause of Republicanism, came one to the United States, made with a view to paying off his heavy debts by the proceeds of a lecturing tour. This was a great success, personal and pecuniary, despite the financial panic prevailing at the time, which drove his first lecture-agent to shoot himself: but he had to stop short, break his engagements, and pay heavy damages, in order to come back and contest Northampton in the election precipitated by Mr. Gladstone's sudden dissolution of Parliament. He was still able to clear off £1,000 of debts; but he was too late for the election, and in his absence was again defeated. Next year, on the death of the then sitting member, he again fought the seat, a Liberal and a Conservative also standing. The Conservative got in with 2,171 votes; the Liberal had 1,836, and Bradlaugh 1,766, his highest poll hitherto. The waiting for this contest had postponed a second American

journey; but that was now made, with fair pecuniary results, though with much exhaustion to the lecturer; and in 1875 a third visit to the States, during which he incurred much bitter religious hostility, was cut short by a severe illness—pleurisy and typhoid—which very nearly proved fatal. Recovering from this, but with much shaken strength, he had to abandon unfulfilled engagements to the extent of losing £1,300. From this time, I believe, his physique was definitely weakened, powerful though it remained, and terrible as were the demands yet to be made on it.

After the illness came on another great fight, in which however he did not stand alone, anxiously as he wished to do so. The authorities, with strictly British imbecility, decided to prosecute the sellers of the pamphlet entitled "The Fruits of Philosophy", by Dr. Charles Knowlton, an American physician. For thirty years it had been on sale, doing a considerable measure of good by putting in the hands of the poor the physiological knowledge which would suffice to save them from having the over-large families that so fearfully abound among the English people, and which account for over fifty per cent of the existing misery, and a terrible proportion of the death-rate. Mrs. Besant, who had been associated with him in

the publication and sale of this pamphlet, insisted with extraordinary courage on taking her trial with him. The story of the case is given in full in the published report. Suffice it here to state the upshot, which was that the respectable jury, while entirely exonerating the defendants from any corrupt motive, found the book to be technically an obscene publication. The Judge, the late Lord Cockburn, showed marked goodwill; and if the defendants had only promised not to re-issue the book, they would have gone out scot-free. This promise they refused to give, and sentence of six months' imprisonment and £200 fine was passed. This sentence, however, was appealed against, and broken down on a technical point; and once more Bradlaugh had triumphed over persecution. Mrs. Besant wrote a new pamphlet, "The Law of Population", abreast of social and physiological science; and of this there have been circulated a hundred copies for every one sold of Knowlton's. It is now in its 170th thousand; and more than double the number have been sold in the United States. But all that the partners could have anticipated, of odium and insult, when they decided to defend the right of publishing physiological knowledge to the poor, has been more than fulfilled since. The vulgar and essentially profligate aver-

sion to the scientific treatment of the population question was one of the great factors in the subsequent denial of political justice to Bradlaugh; and only three years ago an infamous libel on Mrs. Besant by a Church of England priest found a defender of more than professional zeal in Sir Edward Clarke, and a judge of more than judicial lenity in the late Baron Huddleston. The jury disagreeing, she got no redress whatever.

Still toiling constantly as journalist, lecturer, debater, Bradlaugh had in 1876 one stroke of luck. Mr. Turberville or Blackmore, brother of the novelist, died leaving a will in Bradlaugh's favor; and though the existence of other wills set up many counter claims, he received by compromise £2,500. This served to pay off the bulk of his debts; and an easier life seemed opening up for him, signalised to begin with by his removal from his poor lodging in Turner Street to a roomier but still very simple one in Circus Road, N.W., where he had one large room sufficient to hold his library. But immeasurable strife was still before him. In 1876 he had his worst experience of physical hostility. With Mr. Auberon Herbert he convoked an open-air meeting in protest against the Turcophile spirit, and at the close of this his party was attacked by a mob of

Jingo roughs, some of them pugilists, some of them armed with metal bludgeons as against the short batons carried by the peace party, who had expected to be assailed. The assault had been deliberately planned, and I have heard Bradlaugh say that he afterwards obtained the names of the Tories who paid and instigated the roughs. He himself was momentarily borne down in the struggle, and a murderous rain of blows fell upon his upraised arm, showing him the nature of the plan laid. In another minute he was on his feet, and in succession he struck five blows which, to the best of his own belief, sent five men to St. George's Hospital. One of his own friends wildly attempted, with the most chivalrous intentions, to seize Bradlaugh's baton, and got a broken head for his pains. But the sequel for Bradlaugh himself was a terrible attack of erisypelas in the left arm, which was probably predisposed in that way by the old Donnybrook experience. His life was in serious danger; but once more the great physique pulled through. It was not his last physical struggle, though; and the greatest of all his moral struggles was yet to come.

In 1880, twelve years after his first appeal to the electors of Northampton, he was elected along

with Mr. Labouchere. After all that religious hate could do—and it went to shocking lengths of calumny—he had built up for himself a devoted party, the majority of the Liberal-Radicals of the constituency. Very reluctantly, the Whig and pietist section, many of whom hesitated between the Atheist Republican and a Tory, consented under the stress of the general election excitement to an arrangement by which some other Radical should become joint candidate with Bradlaugh. Mr. Labouchere did so, and the colleagues were elected, Mr. Labouchere getting 4,158 votes, and Mr. Bradlaugh 3,827, as against 3,152 and 2,826 given for the Conservative candidates. Mr. Labouchere's larger poll represented, then and later, the unconquerable ill-will of the Whig-pietists, who refused to split their votes as Bradlaugh's men did, though their unfairness at times came near driving the latter to decide to plump for their own man. Had they done so Mr. Labouchere would have been at best second on the poll, if he were not thrown out. As it was, the long sought-for victory was a great triumph; but the worst of the price was yet to be paid.

Mr. Labouchere has told how, on the day of the assembling of the Parliament of 1880, his

colleague told him he proposed to make affirmation of allegiance instead of taking the oath, because he thought the former the more decorous course. And he had every reason to think he could do so safely, for the Liberal legal advisers had said so. It fell out otherwise; and as the manifold details of the five years' Parliamentary struggle have grown confused in the memories of most, I here reprint a brief record which was drawn up for the *Star* on the occasion of the motion made by Dr. Hunter on Bradlaugh's behalf, just before the latter's death, for the expunging from the House's Journals of the old resolutions of exclusion.

"On May 3, 1880, when Mr. Bradlaugh handed to the Clerk of the House a written paper claiming the right to affirm under the law, the trouble began. A common statement is that he 'refused to take the oath,' and 'obtruded his opinions' on the House. Neither of these things happened then or at any other time. The Speaker, being in doubt, asked Mr. Bradlaugh to withdraw; and Lord F. Cavendish, seconded by Sir Stafford Northcote, moved the appointment of a Committee of Inquiry, which was agreed to, though a week after, on its being formally moved, there were seventy-four votes against to 171 for it. On May 20th the Committee reported that persons entitled to affirm in courts of justice under the Evidence Amendment Acts were not legally entitled to affirm in the House, this view being come to only on the casting vote of the chairman, Mr. Walpole. Mr. Bradlaugh then publicly intimated that while the oath included words which to him were meaningless, so that it would have been an act of hypocrisy on his part to take it voluntarily if another course were open to him, he should now take the oath,

holding himself bound, not by the words of asseveration, but by the explicit affirmation. On the 21st he went to the table, amid uproar, to be sworn. Sir H. D. Wolff objecting, the Speaker again requested Mr. Bradlaugh to withdraw, going on to admit, however, that he knew of no precedent for refusing the oath to a member offering to take it. Sir Henry moved that refusal be made, on the score, not only of the member's Atheism, but of his 'Impeachment of the House of Brunswick'; and Alderman Fowler seconded. Gladstone and Bright spoke powerfully on the other side in the long and fierce debate which ensued, and which, after several adjournments, ended in the appointment of another Committee, this time to report whether Mr. Bradlaugh was entitled to take the oath. On June 16th, this Committee reported that the taking of an oath by Mr. Bradlaugh would not be a genuine swearing in the meaning of the law; but recommended, by a majority of four, that after all he be allowed to affirm, and that his right be afterwards tested by action at law.

"Over a motion by Mr. Labouchere to this end, there was another long debate, Sir Hardinge Giffard and Alderman Fowler moving a resolution refusing both oath and affirmation. Finally, Jews and Nonconformists and Parnellites helping the Tories, the motion was defeated by 275 to 230.

"The situation is edifying, when one looks back on it. It was first decided that Mr. Bradlaugh could not legally affirm in the House, though he had frequently affirmed in the Courts. But the law allowing affirmation in the Courts, being apparently framed to prevent dishonest Christians from evading the oath, puts upon unbelievers the virtual insult of making the judge technically but ambiguously decide that an oath 'would not be binding' on their conscience. When, therefore, Mr. Bradlaugh gave his evidence to the effect that he had affirmed in the law Courts, he was held to have admitted that he satisfied judges that an oath 'would not be binding on his conscience'. Therefore, though he clearly explained that that was only a legal technicality, and that an oath was as binding on his conscience as an affirmation, he must not be allowed to take the oath, though everybody knew that various unbelievers then sitting in the House had done so. The law then clearly ought to be

altered, but the majority would not alter it. On this basis of unabashed iniquity, a Christian legislature stood for five years.

"All the same, Mr. Bradlaugh again came forward, and was allowed to make his first great speech at the bar; but a rescinding motion was defeated. Requested to leave the House, he respectfully refused, because the order was illegal. Gladstone, then Premier and leader of the House, refused to help the majority out of the fix in which they had placed themselves; and on the motion of Northcote, after much uproar, the offender was 'committed to the Clock Tower', from which he had just to be released unconditionally. Mr. Gladstone later moved as a standing order that members be allowed to affirm at their choice; and this was carried by 303 to 249; whereupon Mr. Bradlaugh made affirmation of allegiance, took his seat, and voted. Immediately he was sued for penalties, as having voted illegally, by Clarke, the tool of Mr. Newdegate. Insults all the while rained in from all sides on the member, his family, and his friends; and among others the Rev. Mr. Voysey pronounced the action of Northampton disgraceful, and praised the speeches urging the Atheist's exclusion; while Sir John Hay brutally insulted Mrs. Besant, Mr. Bradlaugh's partner.

"At length, in 1881, the action of Clarke v. Bradlaugh was decided against the defendant, who again lost on appeal. Bradlaugh's seat was thus vacated, and he again stood for Northampton, to be again elected after a desperate struggle. Again he came to the table to take the oath, and again, on a division, he was prevented. Removed by the Sergeant again and again to the bar, he again and again returned to the table, till the House adjourned; and again next day he presented himself, till it was arranged that the Government should 'give facilities' or do something themselves. The Ministerial Oaths Act making no progress, Mr. Bradlaugh appealed to the country, and again, on August 3rd, 1881, he presented himself at the House, this time to be violently seized at the very door and ejected by fourteen policemen and ushers, a crowd of members looking on, many of them delightedly. Standing on the steps, hatless, with his clothes torn, he might,

it is said, by one word, have set his host of exasperated followers wrecking the House. The word was not spoken. The immediate result of the outrage, perpetrated by the House on its lawfully elected member, was for him a severe attack of erisypelas in the arms. [On this occasion as before, his life was in danger, and still more seriously so. Only a complete withdrawal from London, and the most anxious nursing, prevented a summary ending of all troubles.]

"Again, next year, on the assembling of Parliament, the unsubduable member presented himself, and made his third speech at the Bar; and again the majority refused to let him swear or sit. A few days later, Mr. Gladstone professing to have no policy, Mr. Bradlaugh took the strategic step of administering the oath to himself and sitting down. Again he was expelled; again he was elected for Northampton, on the largest poll yet reached. Still the House decreed his exclusion; though over a thousand petitions, with a quarter of a million signatures, had been presented in his favor. On May 3rd, 1883, the third anniversary of his appearance in the House, the Government Oaths Act Amendment Bill was lost by three votes; and next day Bradlaugh was once more refused, by a majority of 106, the right to vote. While all this battle was being fought, the Conservatives had further sought, though vainly, to convict him of blasphemy in respect of selling the prosecuted *Freethinker*. On the other hand, he had won in the Lords, on appeal, his action against Newdegate for 'maintenance' of Clarke; and Newdegate, it is known, had to sell some of his best timber to meet the accumulated mass of costs.

"The rest of the story is soon told. On 9th February, 1884, Mr. Bradlaugh again administered the oath to himself and voted: and was again expelled. He then accepted the Chiltern Hundreds, and was yet again triumphantly returned for Northampton. Denied justice throughout the Parliament of 1880-1885, he was allowed by the new Speaker, on the assembling of the first Parliament of 1886, to take the oath and sit, the Speaker firmly refusing to let any protest or question be interposed, and thus virtually pronouncing his predecessor's policy illegal.

Later, Mr. Bradlaugh carried his Affirmation Bill and put matters on a safe, legal footing."

The press in general has told within the last few weeks how the long denied right of serving his country in Parliament was turned to account by the junior member for Northampton, from 1886 onwards. At once his enormous energy—enormous still, after all his battles—gave him importance in the House's work; and, what was even more surprising to those who had not known the man, his abundant geniality soon made him popular, especially among the Conservatives, who had not the uneasiness that still weighed upon so many Liberals, of having the indomitable Atheist for a colleague. New Conservative members assured him of their contrition for the past iniquities of their party; and one of these deprecated an allusion by Bradlaugh in the House to what he had undergone at the hands of the "constitutional" party. Others remonstrated with him on his impolitic proclamation of his Atheism. "Good God! Bradlaugh," said one tolerant gentleman, in the warmth of his friendly concern, "What does it matter whether there's a God or not!" Among his bitterest opponents, in his struggle for admission, had been the Parnellite party. Their and their leader's cue was to oppose, however

iniquitously, the man whom the priests hated, and against whom Cardinal Manning wrote articles which Freethinkers will not soon forget. The course taken was the more shameful inasmuch as Bradlaugh had always been one of the warmest advocates of Irish freedom. He had not only been a collaborator with the leading Fenians, but had continued all along to be an avowed Home Ruler, and had spoken eloquently again and again on the Nationalist side. All this had been ignored at the command of cardinals and priests. During his brief tenure of his seat in 1881, Bradlaugh had vigorously moved the rejection of the Coercion Act when Mr. Parnell was otherwise engaged. This too was ignored, and one or two votes given by him on minor issues were published to the Irish people, with an abundance of sheer invention, by way of justifying the Nationalist party's tactics. When, however, on the raising of the Home Rule issue by Mr. Gladstone, Bradlaugh held to the position he had always taken up, one leading Nationalist met him in the House, in the orthodox manner, with the greeting: "You are the best Christian of us all, Mr. Bradlaugh".

So rapidly did he bring to bear his great acquired power of work, that already in 1887 he personally carried through the House his Truck Act, besides

securing on his single initiative the appointment of two Select Committees, on Perpetual Pensions and the Interference of Peers in Elections, as well as of the Royal Commission on Market Rights and Tolls. The summary of the press was that it had been "Bradlaugh's session". Since then, besides carrying his Affirmation Bill in 1888, he did an infinity of miscellaneous work on various Committees of inquiry, on the Grand Committee of Law, and on the Vaccination Commission, besides carrying on a continuous series of questions on behalf of India, to whose service he now devoted an ever-increasing amount of time. Among his many minor good deeds was a successful appeal to the Scotch Office to take up the preservation of the Clyde Lochs from pollution. And in the very first year of his unmolested sitting, 1886, he had secured the establishment of the Labor Bureau.

But all this work was done at a fearful cost. We have seen how, in the period of his greatest strength, he had to spend his energy in paying off debts incurred by him through persecution, through pious scoundrelism (as in the case of the debtor who evaded payment on the score that an Atheist could not legally sue, and who, after three years' litigation, became bankrupt, leaving the victor saddled with all his costs), and through chivalrous determination to

fight the battle of Freethought and free speech in his own person at any cost, whenever or wherever the push came. At the age of forty-three, before the trial for publishing the Knowlton pamphlet, he had got rid of most of his burdens. But that was all. He had been wholly unable to save; and when in 1877 he and Mrs. Besant established the Freethought Publishing Company in advantageous premises, they had to borrow the necessary capital on debentures. This debt again might have been paid off by their earnings; but the Parliamentary struggle made that impossible. Not only were all earnings swallowed up in the desperate battle for bare justice; but that battle itself employed the greater part of Bradlaugh's energy, and during the manifold lawsuits involved he could not even earn anything. The Freethought party, poor as it mostly is, helped him loyally with subscription after subscription. Poor men and women did without their tobacco and their single glass of beer a day to send help to "the lad", as many of them always called him, in memory of his early appearance. But the costs grew faster than poor men's help could, and when he finally took his seat, he sat under a new debt of several thousands of pounds, besides the debt on his business partnership. And the more work he did in the House, the less time and strength had he left for earning money.

His work in the House, as he did it, was alone too much for even a strong man. The five years struggle, as his friends recognised, had made him an old man; but the terrible and continuous strain of the night hours, added to undiminished daily work, carried on the process even more effectively; and I remember how startled I was at the change wrought in him by one hard session, in part of which I had not seen him. Whether he got to bed at ten or at three, he rose all the same at seven, and took up the day's toil, which to the last generally included the giving of gratis legal advice to some poor folk, very often not even Freethinkers. We do not pay our members of Parliament; and he, with his intense absorption in his political work, had to earn his living all the while, and meet the interest on the capital of a business to which he could finally give almost no personal attention, as well as pay a heavy annuity to a relative.

In 1888, he was so harassed by financial difficulties that he spoke of resigning his seat; and the mention of this by Mr. Stead, in the *Pall Mall Gazette*, with a generous appeal, greatly to that gentleman's honor, resulted in an extensive subscription to clear off the remains of his law debts. The sum realised sufficed to discharge these, and yield nearly £1,000 towards his other burdens; and he now cheerfully looked forward to winning

some ultimate ease. But the relief had come too late. He worked as hard as ever, while less able to work; and the death in 1888 of his daughter Alice, his home companion, struck sorely an already sore-strained heart.

No physique could stand such a life. Often did he confess that he had "burned the candle at both ends and in the middle"; and now and then he would contrive to snatch a day's fishing, which always had such a recuperating effect that it was plain he might have lived long had his life been easier. In his surviving daughter's memory he never had so much as one week's holiday till within the last half-dozen years. In that time he has had several short spells at Loch Long, where, giving himself up with his invariable energy to the business in hand, he would fish from morn till eve, rowed about by his fisherman-landlord, and making baskets unapproached in the local records of rod-fishing. But the balance could not be maintained; and near the end of 1889 he was struck down with an illness which took him very close to death, a primary phase, I believe, of the Bright's disease which finally killed him. A voyage to India was prescribed; and he went, in time to appear at the Congress of the year, where he made one short

but deeply impressive speech, and received an extraordinary ovation from the thousands of delegates who had already learned to look to him as the champion of the Indian peoples in the English Parliament. He came home visibly improved; but not a few of us felt that he would never regain his old strength. A susceptibility to painful emotion in addressing meetings of his old followers had grown somewhat on him in late years, and was now more marked than ever. The vascular system continued to run down. Yet his work never slackened. Unable to lecture as before, he wrote many articles for reviews and magazines—a kind of work not open to him ten years ago, when the editor of the *Nineteenth Century* would not even let him reply in its pages to the attack of Cardinal Manning. Even in the middle of last year he accepted a challenge to debate from Mr. Hyndman, and did it in St. James's Hall—putting on himself an injurious strain rather than even seem to flinch in his political course. A fishing-holiday in the recess had its usual refreshing effect; but only a continuous regimen could now save him; and the only town exercise for which he had any inclination he could not get, not being able to afford a horse. Seeing him at Christmas last, when about to

leave town for some time, I had heavy forebodings, which were only too soon fulfilled. In the second week of January his increasing weakness had become too serious to be longer fought against, and the friendly doctor who was called in had to insist on his taking to bed. He never rose from it. A few days afterwards I had my last talk with him. He was absolutely cheerful, perfectly prepared for the worst, to the likelihood of which he briefly alluded, with entire serenity. The great brain was still vigorous; even the resonant voice was there; though the breathing showed the terrible trouble at the heart. We discussed several things, in particular the position of his motion for the expunging of the old Commons' resolutions of exclusion; and the small chance there was of his being able to move it. "It would make rather a fine suicide," he said with a smile, "if I were to drop in the attempt." By this time there was, for us friends, little or no hope, and the end came very quickly. He was able to have the great satisfaction of knowing that his motion was taken charge of by Dr. Hunter; but he never knew how triumphantly it was carried. Of these last days the story has been touchingly and sufficiently told by his daughter.[1]

[1] *National Reformer*, February 8th.

On 30th January he died, aged 57; and we buried him at Woking on the 3rd February. The concourse of mourners — who, in compliance with the announcement of his own wishes in these matters, wore no mourning — was so great as almost to exceed the resources of the railway company. It was an extraordinary gathering. Costermongers and members of Parliament, Hindus, soldiers, clergymen, might all be seen in the throng, which included hundreds of women. In accordance with his express wish, there was no kind of service or speaking. And when all was over, and the multitude, after some hours of waiting, was thought to have dispersed, having filed past the grave, the small group of immediate friends, on going for a last look, found that the grave was only gradually being filled up by a devoted band, who had taken the shovels from the grave-diggers, and one by one threw in each his single quota, silently covering up,

> "Each for his brother the hushed
> Heart, and the limitless dreams,
> With a little gift of sand."

I will not attempt here to expound the political philosophy of the author of the following pages. His positions on specific questions are well

known, and some of them are here fully set forth; but they do not readily adapt themselves to any one of the abstract systems in vogue. A few years ago I heard him say that he could not accept the *à priori* theories and cut-and-dry schemes of either the extreme Individualists or the Socialists; he found himself in a society conditioned by many heterogenous laws and usages, and he proposed to legislate for that society in view of its structure and symptoms. Perhaps since then he may have moved nearer pure theoretic Individualism, under the stress of repulsion to the facile fashionable Socialism; but in legislative practice he stood substantially where he did thirty years ago, as his writings can abundantly prove. At no time of his life did he affect to accept the formulas of Socialism; and Mrs. Besant, who has latterly done so, has testified that he never moved from his main positions, either one way or the other. I may here repeat what I have said on that head elsewhere.

"Nothing could be more foolish at best, or baser at worst, than the pretence made by so many pseudo-Socialists that he had slackened in his devotion to the great cause of democracy. So unreasoning can men be, that this assertion has been made even in cold blood on the strength of the fact that he opposed a universal Eight Hours Law (he approved of such or approximate limitation of labour in the public service, and on railways, as State-conferred monopolies). On that head I

quite agreed with him; and I have no hesitation in saying that not a few Socialists who have gone with the crowd for popularity's sake know perfectly that Mr. Bradlaugh was economically right, and that the measure now clamored for would be an empty gift were it won. Further, I may be permitted to say for him what he would not say for himself, that his staunch adherence to the name of Individualist put him under the disadvantage of dissociating him in the eyes of many from some of his own latest services to the workers. The Labour Bureau is not, in the ordinary Individualist view, an Individualist institution: the Truck Act was a departure from the doctrines of Individualist economics; and the campaign for free and municipalised markets also outwent the strict Individualist position. Let me not be misunderstood; he *was* an Individualist in the best sense of the word; but he never on dogmatic grounds refused to contemplate corporate action that was practicable, really beneficial, and unattended by social demoralisation. His Bill for the Compulsory Cultivation of Land was the one practical attempt in current politics to introduce in a measure the principle of Land Nationalisation (=Socialisation), though he did not call himself a Land Nationaliser."

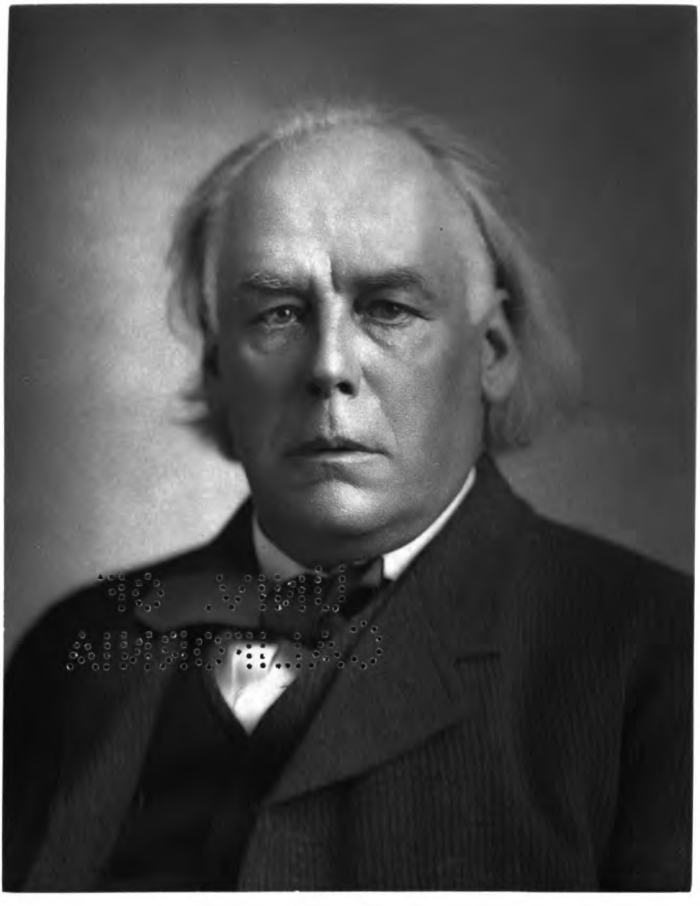
This view is perhaps more impartial than might be supposed. I have a belief which he did not share in an ultimate Socialism as the highest ideal; and a desire which he did not share for certain steps towards that end; but I have never been able to disguise from myself his immense superiority in practical sagacity and executive fitness to the leading advocates of Socialistic measures.

What all reasonably fair critics must admit is

the constant reasonableness and temperance of his writing in these papers. In his battling life and his compulsive eloquence he frequently recals Lassalle; but he is typically English in his practicality of method, as compared with the great Socialist, to say nothing of their difference of doctrine. Bradlaugh was essentially a legist; in a law court he was essentially a lawyer, at the opposite pole from the passionate orator that thundered down the judges who demurred to long declamations from Schiller. And no one can say of this volume what even a friendly biographer is constrained to say of Lassalle's reply to Schulze-Delitzsch: "The tone is undignified, and at times coarse . . . . The work has not undeservedly earned the title of *Schimpfwerk*, for it teems with abuse where, above all things, the soberest argument is desirable". There is one matter, however, in which the two great "agitators" stand about equally entitled to honor; they neither of them ever stooped to flatter the democracy which they aspired to lead; and the Englishman would have counted that for much to the German, for, while he valued wisdom, he loved courage. Lassalle's impeachments of the workers to whom he appealed were frequent: Bradlaugh perhaps impeached even oftener, for he dealt with more issues; but what

needed most courage of all was to fight openly and stedfastly against specious schemes that caught the fancy of the masses, and were preferred by them to more useful but less attractive measures. That he has done in the following pages, by which he had been willing to stand or fall as a democratic politician; and if there is any truth in the familiar claim that the great English idiosyncracy is a love of fair play, this posthumous volume will lose him no love among those for whom he wrought so long and so hard.

JOHN M. ROBERTSON.



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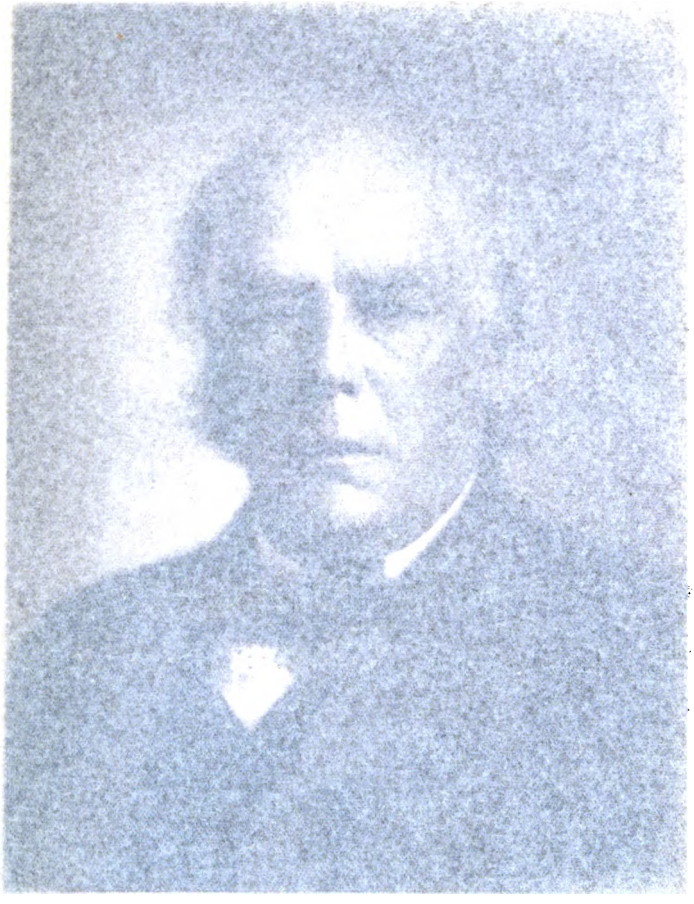

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LABOR AND LAW.

CHAPTER I.

WHY THE BOOK IS WRITTEN.

THE excuse, if not the justification, for this small volume may be found (1) in the numerous resolutions asking for legislative action passed at the Trades Union Congress held in Liverpool in September last; (2) in the legislative proposals now standing on the Order Book of the House of Commons; (3) in the expressions, in and out of Parliament, of men claiming high position in the councils of the nation; (4) in the disposition manifested by members of the present House of Commons and by candidates for parliamentary honors to pledge themselves to legislative projects for the regulation of adult labor, under pressure of an active section of the electorate; (5) in the admittedly enormous power now possessed by the working classes, should they happen to be united, of determining in the majority of contested elections who shall be the successful candidate; (6) in the new attitude taken by journalists of repute and influence in supporting legislative regulation of the conditions of adult labor.

The following are the material resolutions affecting legislation, without any of the speeches except such portions as are necessary to explain amendments, extracted from the authorised

report of the Liverpool Trades Union Congress, at which congress, Mr. Wilson, M.P., Chairman of the Standing Orders Committee, stated that 311 societies were represented by 457 delegates. According to the list the numbers represented would stand at 1,810,191; but Mr. Wilson stated that the Committee "had analysed the federations and separate organisations, and considered the federations would represent 340,000, so that approximately the number of people represented was 1,470,191". After careful examination of the list of societies represented prefixed to the Congress report, I am inclined to think that the number is still too high; but, in any case, the representation was greatly in excess of that at Dundee in 1889. It may be noted according to Mr. John Burnett's third report on Trades Unions for 1889 (C—5,808, p. 1), that at the close of 1887, the latest period to which the Chief Registrar's reports were then available, 288 Trades Unions were on his list, of which 203, with 356,416 members, made returns. In 1889, in reply to requests from Mr. Burnett, only 104 societies made returns to the Board of Trade; these for 1888 had 373,904 members. Several of the 104 were unregistered societies. Mr. Burnett considered these 104 unions to represent not more than "one-third or one-fourth of the Trades Unions of the Kingdom", but to "include among them those which are largest and most important".

1. Mr. JOHN INGLIS (Glasgow) moved:

"That this Congress views with some degree of satisfaction that in their recent Bill [Employers' Liability Bill] the Government indicated a slight desire to favor the views put forward by the last Congress with reference to the power of employers to contract themselves out of their liability; but this Congress emphatically reaffirms its previous declaration that no measure of legislation on this question will be satisfactory to the industrial classes in this country which does not abolish the law of common em-

ployment; to restrain the privilege hitherto enjoyed by employers to contract out of their liability; and to have removed all limitation or restriction relative to the amount of compensation workmen may be entitled to; and the Parliamentary Committee are hereby instructed to introduce a Bill embracing the foregoing."

Mr. J. KEIR HARDIE (Cumnock) said that while the Government made some alterations they still retained the objectionable contracting out clauses. He did not want to leave the Government under the impression that 450 members of that Congress could be taken in by so little concession, and he would move the omission of the words of the motion down to "liability: but," the resolution thus to begin with the words "The Congress emphatically reaffirms", etc.

Mr. HATTON (London) suggested the substitution of the word "prohibit" instead of "restrain".

These alterations were accepted, and the resolution, as curtailed and strengthened, was adopted unanimously.

[The only clause relating to contracting out in the Government Bill was clause 3, which it is scarcely accurate to describe as "a contracting out clause". It was really a clause in limitation of the common law right of contract. The Congress members hardly seem to have comprehended that if the doctrine of common employment should be abolished there would be no necessity for, and no reason for, an Employers' Liability Act. This general question of employers' liability will be found more fully treated later in this volume.]

2. Mr. JAMES SMITH (Middlesbrough) moved:

"That it is highly desirable further to amend the Coroners' Juries Act; to make it imperative upon the authorities to endeavor always to summon jurymen, whose calling is of such a nature as will enable them to thoroughly understand the circumstances of the case."

Mr. J. KEIR HARDIE moved to add the words "And in

order to effect this, each juryman whose services are engaged shall be entitled to his wages and outlays for the time he is so engaged". This was also accepted.

Mr. HOLLINGS (Bradford) proposed as an addition to the resolution—"And shall be paid for their services according to the rate of wages of their trade". This was accepted by Mr. Smith, and the resolution was carried.

[There is no doubt that the whole of our Jury Laws require consolidation and considerable amendment. Master Erle has fully drawn attention to this in his careful work on "The Jury Laws and their Amendment". I am unaware of any Coroners' Juries Act. The "Coroners' Act, 1887", 50 and 51 Vict., cap. 71, sec. 1, provides that the coroner shall summon "not less than twelve, nor more than twenty-three good and lawful men". Presumably, under sec. 25, the local authority might authorise the coroner to make a payment to the jury, but no payment is in terms authorised by the Act. Mr. Atherley-Jones, in his "Miners' Handy Book", p. 53, states "that in some places the authorities have allowed a fee to be paid". The Coal Mines Regulation Act, 1887, 50 and 51 Vict., cap. 58, sec. 48, sub-sec. 7, enacts that

"Any person having a personal interest in, or employed in, or in the management of, the mine in which the explosion or accident occurred, shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury."

Two questions are raised by the resolution, one of "choice, not chance", in the selection of the jury; the other, the payment of jurors. The first point is not easy of enactment; the second might be by a fixed sum per juror for each case, but it could

scarcely vary according to the trade or profession of each juryman.]

3. (*a*) Mr. SHIPTON moved:—

"That this Congress condemns the system of contracting by schedule adopted by the Government and other public bodies, as it conduces to low wages, scamped work, and inferior materials, which are pernicious to the public interest. The Parliamentary Committee is hereby instructed to take such steps as may be most effective to secure the insertion of a clause in all contracts prohibiting sub-letting: that no contract shall be given to any firm that does not pay to all its workpeople the recognised trade union rates of wages in the respective localities where any work may be done, either by those directly employed by Government and municipalities, or contractors taking contracts from these bodies; also demands that where the factory clause is inserted and violated the penalty shall be rigidly enforced."

This was carried almost unanimously.

4. (*a*) Mr. HOLMES (Leicester) moved, on behalf of Mr. Birtwistle—

"That this Congress, whilst gratefully recognising the reform which has recently been effected by the appointment as factory inspectors of men having a practical acquaintance with the conditions of factory life, regrets that as yet no steps have been taken by Her Majesty's Government to give effect to the repeated and pressing demands of previous Congresses for a considerable addition to the staff of factory inspectors."

Mr. LYONS (London) moved as an amendment that the word "technical" be also inserted in addition to "practical".

Miss WHITE urged the desirability of having women inspectors.

Mr. HOLMES signified his willingness to accept his lady friend's suggestion.

The resolution, with the addenda suggested by Mr. Lyons and the lady representatives incorporated, was carried.

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a. These propositions do not necessarily imply legislative interference, but are closely connected with such proposed intervention.

5. Mr. A. WILKIE (Newcastle) moved:

"That, in order to secure the greater safety of life and property at sea, it be a special instruction to the Parliamentary Committee to use their best endeavors to procure in any Shipping Bill that may be introduced in the House a clause giving effect to that recommendation of the Royal Commission on the Loss of Life and Property at Sea—'That a competent professional examination should be required for the rating of shipwrights (ship carpenters)'—so that all such, before being allowed to proceed to sea in that capacity, must produce a certificate of competency. And that the use and wont custom of the trade shall be legalised by all vessels being required by law to carry one or more shipwrights."

Mr. CHANDLER (Manchester) moved, as an amendment, the addition of the words:

"That, in any efforts they may put forth to give effect to the foregoing resolution, the Parliamentary Committee shall take care that no clause is inserted in any Shipping Bill that will debar ship joiners engaging as ship carpenters, providing they can pass a qualifying examination."

The amendment received 93 votes, and the resolution, which was carried, 111 votes.

6. Mr. J. SWIFT moved:

"That this Congress regrets no favorable opportunity presented itself during the past session of Parliament to debate the Bill having for its object the future examination of persons in charge of steam engines or boilers, and the granting of certificates as to their practical fitness for such a duty. That the Parliamentary Committee be instructed to arrange for the reintroduction of this Bill next session; and should any other Bill be introduced relating to steam engines or boilers, that an effort be made to have included the principle of examination and granting of certificates as to the practical fitness of all persons placed in charge of steam engines or boilers."

Carried unanimously.

7. Mr. TOYN (Saltburn-by-the-Sea) moved:

"That, in the opinion of this Congress, the present method of appointing magistrates as persons possessing a certain amount of real property is unfair and detrimental to the interests of the working

classes, as it practically prevents the appointment of working men, and considers that the time has come when such qualification should be abolished, and instructs the Parliamentary Committee to use its best endeavor to bring about this much-needed reform as quickly as possible."

Carried unanimously.

[County Justices in England and Wales must, by 18 Geo. II, cap. 20, sec. 1, have a freehold, copyhold, or customary estate for life, or for some greater estate, or an estate for some long term of years determinable upon one or more life or lives, or for a certain term orginally created for twenty-one years or more, in lands, tenements, or hereditaments in England or Wales, of the clear yearly value of £100 over and above what will discharge all incumbrances, and above all rents and charges payable out of it; or must be entitled to the immediate reversion or remainder of lands, tenements, or hereditaments leased for one, two, or three lives, or for any term of years determinable upon one, two, or three lives, upon renewed rents of the clear value of £300 (*see* Woodward *v.* Watts, 22 "Law Journal" (N. S.), M. C. 149; 2 E. and B. 452).

There are persons who may be justices within the counties for which they act officially without qualification by estate, such as county court judges (9 and 10 Vict., cap. 95, sec. 21), the vice-warden of the stannaries of Cornwall and Devon (18 and 19 Vict., cap. 32, sec. 29), and the police magistrates of the metropolis (2 and 3 Vict., cap. 71, sec. 1; 11 and 12 Vict., cap. 42, sec. 31). By 28 and 29 Vict., cap. 124, sec. 5, the Superintendents of Her Majesty's Dockyards are in all places justices of the peace in respect of all offences specified in the Act, and of all matters relating to Her Majesty's Naval Service, and the stores, provisions, and accounts thereof.

In boroughs within the Municipal Corporations Act the

magistrates are not required to possess any pecuniary qualification (sec. 101), but they must reside in the borough or within seven miles of it (sec. 98), or occupy a house, shop, warehouse, or other premises within the borough (24 and 25 Vict., cap. 75, sec. 3). The council of the borough may resolve to have a salaried police magistrate or magistrates, upon which Her Majesty will appoint a qualified barrister-at-law for that office (5 and 6 Will. IV, cap. 76, sec. 99).

There is no statutory qualification now required for county justices in Ireland (but *see* Nun and Walsh, "Irish Justices", p. 3, and 18 Henry VI, cap. 11, secs. 1 and 2), and it is expressly enacted that no qualification in estate shall be necessary for Irish borough magistrates.]

8. Mr. J. H. WILSON (Sunderland) moved:

"That it be an instruction to the Parliamentary Committee to draft a Bill for the reconstruction of courts of inquiry into the loss of vessels, and such Bill to provide for the appointment of seamen as members of such courts of inquiry."

Carried unanimously.

9. Mr. J. H. WILSON (Sunderland) moved:

"That it be an instruction to the Parliamentary Committee to draft an amendment to the 253rd section of the Merchant Shipping Act (which enacts that a seaman, for desertion abroad, forfeits all clothes, effects, wages, and emoluments which he may earn on any vessel he may join abroad, until his first arrival in the United Kingdom) to the effect that seamen shall not forfeit their clothes, effects, wages, and emoluments, as provided by the said section."

Carried unanimously.

10. Mr. HARFORD (London) moved:

"That this Congress, recognising the benefits derived by the appointment of practical workmen as factory inspectors, instructs the Parliamentary Committee to press upon the Government the necessity of further extending the principle to railways."

Carried unanimously.

11. (*a*) Mr. QUELCH (London) moved:

"That, in view of the scamping and sweating which past experience has shown to be inseparable from the system of contract in connexion with public work, this Congress is of opinion that all such work should be done by the public administrative bodies themselves, wtthout any contractor; or, in any case where this cannot be done, and where a contract is felt to be necessary, such contract should be entered into directly with the workmen's associations, without the intervention of any middleman."

The motion was adopted.

12. Mrs. HUTCHINSON (London) moved—

"That, in the opinion of this Congress, no amendment of the Factory and Workshop Act would be satisfactory which did not include the extension of that Act to laundries."

Mr. DAVIS moved the following addendum, which was accepted :—

"And to all trades where work is carried on by the employment of women."

The motion, as enlarged, was carried.

13. Mr. P. H. HOLMES (East Lancashire) moved—

"That it be an instruction to the Parliamentary Committee to endeavor to effect such a change in the Employer and Workman Act, 1875, as to cause section 11 to apply to male adults in the same manner as it does to females, young persons, and children."

Mr. J. KEIR HARDIE moved this addendum—

"And, further, that the said section 11 shall be extended so as to include payments for materials necessary to the carrying on of the work, or for necessary conveniences for the workers."

Which was accepted, and the resolution carried.

[As Messrs. Holmes and Hardie, and the Congress which adopted their joint proposal, seem to have somewhat misapprehended the common law and the limitation of it by the section referred to, it may be as well to state this clearly.

Section 11 of the Employers and Workmen's Act, 1875, enacts:

"That in case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874 [now consolidated by 41 and 42 Victoria, cap. xvi] any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of damage (if any) which the employer may have sustained by reason of leaving such work."

Sub-Section 1 of Section 3 enacts that in "any dispute between an employer and workman arising out of or incidental to their relation as such",

"It [the County Court or Court of Summary Jurisdiction] may adjust and set off the one against the other all such claims on the part of either the employer or of the workman, arising out of or incidental to the relation between them, as the Court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise".

Mr. Holmes apparently not only wishes to modify this sub-section, but also to change the law under which, in certain cases, wages are forfeited by absence of employee without the agreed notice having been given. Mr. Keir Hardie may mean that "materials" or "necessary conveniences for the workers" supplied by the employers are not to be considered by the County Court or Justices in deciding any dispute. Or, he may wish to repeal the exceptions in the Truck Acts (*see* Section 23, 1 and 2 William, 14, cap. 37. Cutts *v.* Ward, 2 Q. B., 357) and to make illegal any charges whatever for materials or necessary convenience. In either view his addendum is ambiguous and uncertain. The law as to forfeiture of wage is laid down in the following cases.

Walsh *v.* Walley, 2 Q. B. 367, 43 "Law Journal", Q. B. 102, where a weaver was employed as weekly servant, his

wages being regulated by the number of pieces woven and delivered. These wages were ascertained and fixed at noon on Thursday in each week, but were not paid until the next Saturday. By rules embodied in the contract of hiring, the workmen were required to give, before leaving, fourteen days' notice at the time of booking up on Thursday, and there was a rule: "Persons leaving without notice will forfeit all wages due". On a Thursday the sum earned by the weaver in the preceding week was ascertained and fixed at 13*s*. He commenced another week on the afternoon of the same day, and worked during the morning of Friday, and earned 7*s*. He left during the forenoon of Friday, without having given notice.—Held, that he had forfeited, by leaving before the Saturday, the wages due on the Saturday, as well as the wages earned between noon of Thursday and Friday.

Saunders *v.* Whittle, 24 "Weekly Reporter", 406; 33 "Law Times" (N.S.), 816. A painter was hired by the week, his wages to be 7*d*. per hour, payable every Saturday at noon. The full week consisted of fifty-four and a-half hours; overtime was paid for at the same rate. A week's notice from either party was required. He left the service at noon on Friday, before the week was up, and without giving any notice, having worked, including overtime, fifty-seven hours.—Held, that he was not entitled to recover his wages for the current week of his leaving service.

Gregson *v.* Watson, 34 "Law Times" (N.S.), 143. A factory winder was paid every Saturday for the number of sets she had wound off during the week ending on the preceding Wednesday. One of the rules of the factory in which she worked was, that fourteen days' notice in writing was required, previously to leaving the employment, such notice to be given on a Thursday;

and all persons leaving without notice to forfeit the whole of the wages to which they would have otherwise been entitled, and also to be proceeded against according to law. She earned 3*s.* 7*d.* on the first two days of one week of her employment, was absent with leave on Saturday, did not return, and wholly left the service without leave on Monday. In an action by her for 3*s.* 7*d.* earned, the County Court judge held that hers was a weekly hiring, and that although her master's damage by reason of her absence was only 3*s.*, she could not recover anything under the Employers and Workmen Act, 1875.—Held, that notwithstanding the fortnight's notice required, the facts justified the finding that the service was weekly; that she had no claim for wages or other sum due for work, and that the County Court judge was right.

Warburton *v.* Heyworth. 6 Q. B. D., 1. A woman weaver employed at a mill with rules that no person should leave without giving fourteen days' previous notice, such notice to be given on a Saturday; and that any person leaving without having given such notice should "forfeit all wage then due, earned or unpaid". She was paid by the piece, and all work done was booked up at three o'clock every Wednesday afternoon and paid for on the following Saturday, all work booked after three o'clock on the Wednesday being carried forward to the following week. She left the mill before three o'clock on a Wednesday afternoon without giving the required notice having previously carried in and booked certain work which she had completed. On the following Saturday, her application for payment of the wages due at the time she left, was refused on the ground that they were forfeited under the above rules. No claim was made by the employer for damages.—Held that the facts did not show weekly hiring at weekly wages, but

showed that the price for the work done and booked when the weaver left on the Wednesday, was then earned and due, though not then payable, and the same would have been forfeited under the above rules, but that as there was no damage, and the weaver was a woman subject to the Factory Acts, she was protected by the above Section 11 of the Employers and Workmen Act, 1875, and could not be deprived of what she had so earned.]

14. Mr. TAIT (Glasgow), on behalf of Mr. J. M. Jack, moved—

"That it be an instruction to the Parliamentary Committee to take such steps as may appear necessary to assimilate the law of Scotland to that of England in the case of accidental death."

The resolution was seconded, and after being amended by incorporating an addition to the effect that its purport extend to inquiries into accidental deaths in Scotland, was unanimously passed.

15. Mr. JOHN GARDNER (Cardiff) moved—

"That it be an instruction to the Parliamentary Committee to draft an amendment to the 243rd section of the Merchant Shipping Act, for the abolition of imprisonment of seamen, without the option of a fine, for breaches of the said Act relating to discipline."

Carried unanimously.

16. (*a*) Mr. J. BAKER (London Firewood Cutters) moved:

"This Congress strongly protests against all parochial bodies using pauper labor to the detriment of the firewood-cutting trade, it having been most conclusively proved that such labor is carried on at a loss to the ratepayers, and we call upon the Parliamentary Committee to use their influence with the Local Government Board with a view to stopping this unfair system."

The resolution, having been extended so as to forbid the employment of pauper labor generally by public bodies, was unanimously adopted.

17. Mr. J. CRONIN (Scotland) moved:

"That we instruct the Parliamentary Committee to abolish clause 7 of the Conspiracy and Protection of Property Act, and to amend such other clauses as are dangerous to the liberties of the working classes."

Carried unanimously.

[Section 7 of the 38 and 39 Vict., cap. 86, here referred to, enacts:

"Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

"(1) Uses violence to or intimidates such other person or his wife or children, or injures his property; or

"(2) Persistently follows such other person about from place to place; or

"(3) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

"(4) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

"(5) Follows such other person with two or more other persons in a disorderly manner in or through any street or road, shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labor.

"Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."]

18. (*a*) Mr. QUELCH (London) proposed:

"That this Congress condemns the practice of foreign crews working with ship workers in loading and discharging cargo, as not being tolerated on the part of English crews in foreign ports, and as being unjust as well as dangerous to the landsmen employed in this work."

The proposition was at once adopted.

19. Captain Luccock moved:

"That the Parliamentary Committee be instructed to draft a Bill prohibiting shipowning magistrates and magistrates interested in shipping from adjudicating upon cases wherein a seaman may be concerned in the alleged breach of any section of the Merchant Shipping Act."

Carried without dissent.

20. Mr. Hobson moved:

"That it is of the highest importance in the interests of honest trading that an international convention should be entered into with such foreign countries as are willing to adopt the principles of the Merchandise Marks Act; and that this Congress is of opinion that Her Majesty's Government should avail themselves of every opportunity to secure such international arrangement as will prevent the sale of falsely-marked merchandise in all countries that are parties to the convention, and hereby instruct the Parliamentary Committee to take steps to bring the matter before the attention of Her Majesty's Government and the people's House of Commons."

Carried unanimously.

21. Mr. G. J. Marks moved:

"That, in the opinion of this Congress, the time has arrived when steps should be taken to reduce the working hours in all trades to eight per day, or a maximum of forty-eight hours per week; and while recognising the power and influence of trade organisations, it is of opinion that the speediest and best method to obtain this reduction for the workers generally is by parliamentary enactment. The Congress therefore instructs the Parliamentary Committee to take immediate steps for the furtherance of this object."

Mr. Patterson (Durham) handed up the following amendment:

"That, in the opinion of this Congress, it is of the utmost importance that an eight hours day should be secured at once by such trades as may desire it, or for whom it may be made to apply, without injury to the workmen employed in such trades; further, it considers that to relegate this important question to the Imperial Parliament, which is necessarily, from its position, antagonistic to the rights of labor, will only indefinitely delay this much-needed reform."

The Congress after debate voted on Mr. Patterson's amendment, with the following result:—

For the amendment	173
Against	181
Majority against	8

The CHAIRMAN refused to allow another amendment, which was proposed and seconded, to be put, as no notice had been given to the Standing Orders Committee. There had been a second amendment (but it was now withdrawn) of which notice had been given.

The original resolution was then put to the vote, when the figures were:—

For the resolution	193
Against	155
Majority	38

[It is credibly stated that amongst the majority in each of these divisions were the dock laborers' delegates, and that the societies these delegates represented have since resolved that a limitation of eight hours per day ought not to be legally or otherwise applied to them. It should be noted that by addendum to resolution 33 the employers are proposed to be held liable even if the offence of working beyond the limit be committed without their consent.

Mr. Fenwick, M.P., who was elected Secretary to the Parliamentary Committee, is reported in the *Newcastle Leader*, November 3rd, as saying on this point at Walker Colliery that

"he wanted to put before them some facts as revealed in the vote given in the recent Congress on the question of the general Eight

Hours. He knew that many delegates who were present at the Congress, and who claimed to be members or leaders of the new Trades Unionism, professed to derive much pleasure and satisfaction from the character of that vote. But it seemed to him that after careful examination those who made such professions were thankful for small mercies. (Laughter and applause.) Now, there were 457 delegates accredited to the Conference—193 of those delegates voted in favor of that proposal; 155 voted against it, the majority, therefore, in favor of the resolution being 38. But there were 109 delegates who did not vote—who either had not made up their minds on that question or who did not consider it to be of such pressing or immediate importance as to justify them in registering their votes either for or against it. So that when they considered the narrowness of the majority, and that there were 109 who refused to record their votes, he thought he was quite justified in saying that those who professed to get great satisfaction out of it were thankful indeed for small mercies. (Applause.) That was not all. The dock laborers of London were largely represented on the Congress, and each one voted in favor of that resolution for the general Eight Hours. What followed? Immediately following the Congress at Liverpool the dockers had a Congress extending over several days in London, and naturally they considered that question of the Eight Hours in its direct bearing in relation to their own trades. What was the result? After full and careful deliberation on the question, they declared by the majority of their votes that so far as their trade is concerned the question is impracticable. (Hear, hear, and applause.) Yet the delegates representing the dockers in the Liverpool Congress to a man voted in favor of that resolution. When they considered all those facts, and the narrowness of the majority at the Congress, in his opinion the vote was a very unsatisfactory one indeed, and from it it was impossible for them to ascertain what was the true sense and feeling of the united trades of the country in relation to a general Eight Hours day."

No Bill has been presented by any member on behalf of the Parliamentary Committee, but a Bill has been introduced by Mr. Cunninghame Graham, M.P. The question will be found fully treated in Chapters II, III, and IV.]

22. Mr. STUART UTTLEY moved:

"That this Congress approves of the principles laid down in the Bill drawn up and submitted to Parliament by Messrs. Broadhurst,

Fenwick, and Coleridge, as amending the Merchandise Marks Act, 1887; and that the Parliamentary Committee be instructed to use every means in their power to get the Bill passed into law."

The motion was agreed to.

23. Mr. J. HOLLINGS moved:

"That, seeing the evils of the sweating system are so enormous and widespread, this Congress deeply regrets, after such an extensive inquiry by the Lords' Committee, nothing has been done by them to try to reduce the misery and the sufferings of those affected thereby; and we instruct the Parliamentary Committee to bring all the influence possible to bear on members of the House of Commons, with the object of obtaining beneficial legislation."

Carried without opposition.

24. Mr. J. H. WILSON moved:

"That it be an instruction to the Parliamentary Committee to draft an amendment to the Merchant Shipping Act, 1854, section 231, sub-sections 1 and 2, which, as they now stand, only allow 72 cubic feet of space for each seaman on board ships, this Congress being of opinion that such space is totally inadequate: and recommends that such amendment should provide for a space of not less than 150 cubic feet; and also to provide that all store rooms and paint lockers shall be kept apart from the men's accommodation."

The resolution was agreed to unanimously.

25. Mr. LEWIS LYONS (London) moved:

"That it be an instruction to the next Parliamentary Committee to bring the following before the Government of the day:—Any person who desires to open a factory or workshop must give notice to the Chief Inspector of Factories, at the same time to furnish particulars of that branch of industry which is intended to be carried on, a plan of construction and interior arrangements of the establishment, and of the number of workpeople to be employed."

Mr. PARNELL (London) moved as an addendum:

"That on receipt of a notice from a person desirous of opening a factory or workshop, the Chief Inspector of Factories shall, within six days of the receipt of such notice, cause a sanitary and technical inspector to visit such place and see whether the place was sufficiently lighted, had proper sanitary arrangements, and was adequately venti-

lated in proportion to the number of persons employed, and in all cases there shall not be less than 600 cubic feet of space provided for each person employed."

Mr. KING (London) moved as an amendment that the last three lines of the resolution, from the word "on", should be deleted, as he held that it was impossible for a man before he commenced business to say exactly how many workpeople he was going to employ.

Mr. LYONS signified his willingness to accept both the addendum and the amendment, as the former would answer the original purpose of the resolution.

The resolution as amended was carried unanimously.

26. Mr. J. H. WILSON moved:

"That it be an instruction to the Parliamentary Committee to support the Merchant Shipping Act (No. 2 Bill), prohibiting deck loading, and also regulating the carrying of cattle on board ships which Bill was introduced at the end of last session of Parliament, and will be re-introduced next session."

Carried unanimously.

27. Mr. JOHN KEYWOOD (Nottingham) moved:

"That, in the opinion of this Congress, it is important that provision should forthwith be made for the establishment and equipment of evening continuation schools, in which the children of the working classes may obtain efficient instruction in elementary science, drawing, and other useful subjects calculated to benefit them in daily associations of life; and it calls upon the Government to bring in a measure to provide the necessary accommodation and requisite educational appliances in order that the full advantage of the New Code, the Technical Education Act, and the Science and Art Classes, now so numerous in various industrial centres, may be secured to the Artisan and laboring classes throughout the country."

Carried unanimously.

28. Captain LUCCOCK moved:

"That it be an instruction to the Parliamentary Committee to draft a Bill to be submitted to Parliament, providing that all persons (officers

or otherwise) who may at any time be called upon to take charge of any vessel or vessels shall hold a certificate of competency or service from the Board of Trade, which shall only be obtained by examination, and also that no vessel under a burden tonnage of 400 be allowed to proceed to sea unless a certificated second mate is carried therein, and that none other than certificated men shall have charge of any watch on board a ship or steamer."

Mr. H. FRIEND moved:

"That the words 'engaged in foreign trade' be placed after the word 'vessels'. In supporting the amendment he dwelt upon the injustice which would accrue to boatswains and sailors if the resolution was applied to home-trade 'vessels'. It was the only chance men in the forecastle had of raising their positions."

The Resolution was carried by 32 to 17.

29. Mr. TOM MANN moved:

"Whereas the ever-changing methods of manufacture affect large numbers of workers adversely, by throwing them out of employment, without compensation for loss of situation, and whereas these persons are in many instances driven to destitution, crime, and pauperism: Resolved, that this Congress is of opinion that power should at once be granted to each Municipality or County Council to establish workshops and factories under municipal control, where such persons shall be put to useful employment, and that it be an instruction to the Parliamentary Committee to at once take the matter in hand."

The addition "that trade union wages be paid" was accepted, and the motion was passed.

30. Mr. T. M'CARTY (London) moved:

"That it be an instruction to the Parliamentary Committee that it is expedient that a law be passed to prohibit employers of labor or any others in the United Kingdom contracting for the hire of labor outside the United Kingdom, and that it be an offence punishable with imprisonment to import into this country any labor so contracted for."

Carried.

31 *a*. Mr. ISAAC EVANS (Wales) moved:

"That this Congress is fully convinced that the time has arrived when an additional number of sub-inspectors of mines should be appointed, seeing that the present number is far inadequate to carry

out the hazardous duties now imposed upon them; and, further, that such sub-inspectors should be appointed from the ranks of practical miners."

Mr. ROBINSON moved an addendum to the effect that in no case should a sub-inspector be appointed who was not the holder of a first-class certificate of competency. This was accepted, and the resolution carried.

32. Mr. T. ANDERTON moved:

"That, in the opinion of this Congress, the registration of plumbers should be made compulsory, and that the number of Sanitary Inspectors should be largely increased by the appointment of duly qualified men, such as plumbers, possessing the R.P.C. certificate."

Mr. DAVIES (Manchester) moved as an amendment that the words "and that the number of sanitary inspectors should be largely increased by the appointment of duly qualified men, such as plumbers possessing the R.P.C. certificate," be deleted.

The amendment was lost, and the original resolution carried.

33. Mr. D. HOLMES (Burnley) moved:

"That, inasmuch as the rate of wages paid to the workpeople employed in the textile industries is regulated by the kind, quality, and amount of work performed, and as the Act does not provide for the workpeople being supplied with the particulars and details of such work when given to them, that it be an instruction to the Parliamentary Committee to obtain such an alteration in the Factory Acts, as to compel every employer to supply to the workpeople the particulars and description of the work, so as to enable the workpeople to ascertain the amount of wages due to them."

Miss TAYLOR (Glasgow) moved as an amendment that the words should be added—

"And also, that employers be held responsible for illegal hours worked by their employees whether they consent or not."

The resolution, with the addendum tacked on, was then carried by 117 against 3 votes for the resolution alone.

34. Mr. JOHN CALLOW moved:

"That this Congress be impressed that, on account of there being so many cellars (or underground) workshops connected with various trades, it be deemed necessary that there should be some measure adopted for a better system of lighting and ventilating them, since want of daylight and ventilation is so detrimental to the constitution of the operative."

Mr. QUELCH (London) moved as an amendment—

"That it be an instruction to the Parliamentary Committee to prepare a Bill for the prohibition of the employment of workpeople in underground workshops or cellars, (where this is not rendered absolutely necessary by the nature of the business) to provide, where such underground workshops are so rendered necessary, for a more thorough system of lighting and ventilation.

The resolution as amended was adopted.

35. Mr. PARNELL (London) moved:

"That it be an instruction to the Parliamentary Committee to do their utmost to bring about an extension of the Merchandise Marks Act, so that it shall apply to home manufacturers as well as to goods made abroad."

He explained the course adopted in his own particular trade, condemning the system in vogue of transacting work in sweating dens, and the deceit practised by large firms in selling articles which, as a matter of fact, were not made by the firm at all. He thought that every manufacturer of an article should be allowed to stamp on the article manufactured, who actually did the work, and for whom it was done.

Carried.

36. Mr. WHITFIELD moved:

"That it be an instruction to the Parliamentary Committee to assist, support, and use all legitimate means in furthering the Miners' Eight Hours Bill, now waiting an opportunity for discussion in Parliament, which is backed by Mr. Pickard, M.P., Mr. C. Graham, M.P., Mr. Phillips, M.P., Mr. W. Abraham, M.P., and other members."

Mr. JOHNSON (Dublin) moved an amendment:

"That in the opinion of this Congress it is undesirable to relegate to Parliament the power of fixing the hours that adults should work in mines, believing that our interests can be best promoted by reserving to ourselves the liberty of taking such action at any time that we are of opinion it is prudent and opportune to take."

The VICE-CHAIRMAN, who was presiding, said that this amendment was quite out of order.

The previous question was put, and carried by a large majority.

[The Bill to Restrict Labor in Mines to Eight Hours per day, prepared and brought in this Session by Mr. William Abraham, Mr. Pickard, Mr. Randell, Mr. Cunninghame Graham, Mr. Phillips, Mr. Cremer, Mr. Jacoby, Mr. Spencer Balfour, Mr. Samuel Evans, Mr. Alfred Thomas, Mr. Arthur Acland, Mr. Pritchard Morgan, and Mr. Conybeare, recites as preamble that "it is expedient to limit the hours of work underground of persons employed in mines". It has only three clauses:

"1. This Act may be cited as the Miners' (Hours of Work) Act, 1891.

"2. A person shall not, in any one day of twenty-four hours, be employed underground in any mine for a period exceeding eight hours from the time of his leaving the surface of the ground to the time of his ascent thereto, except in case of accident.

"3. Any employer, or the agent of any employer, employing or permitting to be employed any person in contravention of this enactment, shall be liable to a penalty not exceeding *forty shillings* for each offence, to be recovered in the same manner in which any penalty under the Acts relating to factories and workshops is recoverable."

It is limited to underground employment, but the above-ground men will be affected by it indirectly. It reckons the time from bank to bank. It is silent as to shifts. Unless the system of working is changed in Wales it will there mean one

shift only. It makes the employer or his agent liable for 40s. for each person employed on each occasion of the employment. It imposes no penalty on the men.

Last year, according to the figures handed in by Mr. Dale at Berlin, there were employed in mines in general in this kingdom above ground: men and boys, 121,970; women and girls, 5,680. Underground: men and boys, 465,006; total, 592,656. Of these 57,711 were employed in metalliferous mines and coke works. There remain 534,945 persons employed in coal mines. Above ground: from 12 to 13 years of age, 228 boys, 2 girls; from 13 to 16 years of age, 8,729 boys, 503 girls; 83,151 men, 3,630 women; total, 96,043. Below ground: Boys from 12 to 16 years of age, 42,045; men, 396,730; "from below 12 years of age transitionary measure" 117 boys (International Labor Conference, Berlin, C 6042). Work in the interior of mines is forbidden to male children under 12 years of age and to females of any age (Coal Mines Regulation Act, 1887, sec. 4). Boys above 12 are not allowed to work underground more than 54 hours a week, or more than 10 hours a day bank to bank.]

37. Mr. W. PARNELL (London) moved:

"That the Parliamentary Committee be instructed to take such steps as may be necessary to extend the Truck Acts of 1821 and 1887, so as to prevent employers from charging women and girls employed by them in factories and workshops for the materials they are compelled to use, such as thread, needles, etc.; and, also, to prevent them charging for hot water to make their tea, for cleaning the workrooms, and any such payments weich tend to reduce the present abominable low rate of wages they now pay them."

An addendum was accepted "that it be illegal to charge for steam or other motive power".

The motion was adopted.

[The Truck Acts are 1 and 2 Will. IV, caps. 37 and 50, and

51 Vict., cap. 46. As to the hosiery trade only 37 and 38 Vict., cap. 48. There are special enactments as to wages within the stannaries in 50 and 51 Vict., cap. 43, secs. 11, 12, 13 and 14; and as to wages in coal, ironstone, shale, and fireclay mines in 50 and 51 Vict., cap. 58, secs. 11 and 12. As to payment of wages in public houses 46 and 47 Vict., cap. 83, Metalliferous Mines Act, 1872. Difficulties have been found in enforcing the Truck Acts, because, though section 9 of the 1 and 2 Will. IV, cap. 37, makes the penalty for a first offence "not exceeding £10 nor less than £5", the magistrates, under the 42 and 43 Vict., cap. 49, sec. 4, when the defendant is convicted of a first offence, can and do reduce the fine to a merely nominal amount. Convictions for second and third offences are found unobtainable in practice within the specified time limits. The following decision of the Queen's Bench Division, unreported, but for the notes of which I am indebted to the courtesy of the Treasury solicitor, has prevented the Treasury from proceeding with prosecutions in cases where fines are deducted from the wages:

Redgrave *v.* Kelly, May 16, 1889. Justices Matthew and Grantham. Redgrave, factory inspector *v.* Gould. Defendant, a confectioner, employing girls at 3*s.* and 4*s.* per week, fined them 2*d.* for spoiling goods, and 2*d.* for spoiling goods and being impudent.

Justice Matthew: "I am of opinion, in this case, that the magistrate was right, and that our judgment must therefore be for the respondent, in his absence. The learned magistrate did not think it necessary to hear the respondent on the application before him, and we agree with him in that also. Now the question really depends on the construction of section 3 of the Truck Act; and in dealing with the Truck Act we must endeavor to ascertain at what evils the Truck Act was intended to strike. I do not know where those evils are better described than in the judgment of Baron Bramwell, in the case in the 31st Law Journal. He says: 'In order to see to what the protection of the Act extends it is necessary to see what are the mischiefs to be guarded against; the mischiefs of what is called the Truck system. They seem to me three, the first two being in principle the same. First, an employer of labor

may engage a man to work for him with a promise of apparently fair wages, partly or all in goods, and then cheat him by giving him inferior goods or goods over-charged; secondly, he may engage him with a promise of fair wages, and then cheat him in the payment by insisting on his taking goods inferior or over-charged as before; thirdly, he may supply the man with goods beyond his wages, get him into his debt, and then have an injurious control over him.' Section 3. of the Act which we have to construe runs in this way: 'That the entire amount of the wages earned by, or payable to, any artificer in any of the trades hereinafter enumerated, in respect of any labor by him done in any such trade, shall be actually paid to such artificer in the current coin of this realm and not otherwise, and every payment made to any such artificer by his employer of, or in respect of, any wages by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal null and void'. What was meant was to prohibit payment otherwise than by money, not non-payment; and the whole argument of Mr. Danckwerts has been directed to show that payment otherwise than by coin of the realm included non-payment. So that, according to his argument, if an employer at the end of a week chose to say to a man he employed: I am not going to pay you any more wages, an offence would have been committed within the meaning of the Truck Act. It seems to me that there is no foundation whatever for the argument. The cases referred to really do not affirm any such extraordinary conclusion; they were all cases in every one of which an equivalent of some sort was alleged to be given for the balance of wages withheld. What is Mr. Danckwerts driven from the facts stated in the case to argue. It appears that what the employer did in this case was to fine three persons in his employment for, as he considered, breaches of their duty. Louisa Donovan was fined *2d.* for spoiling a paste brush and for badly doing her work of wrapping the goods manufactured by the respondent, and Annie Lewis was fined *2d.* for spoiling a tray of work and being impudent. In order to get within the shelter of the authorities Mr. Danckwerts has to show that there is something in the nature of payment by goods, and in that sense payment otherwise than in coin of the realm, and he says we ought to construe these statements and facts in the case in this way, we ought to hold that the transaction with Louisa Donovan was of this sort that she was paid in spoilt goods, and that subsequently the spoilt goods were taken from her and a deduction of *2d.* made from the price. On that principle of construction it seems to apply to the other case too; but when one comes to deal with the construction of impudence, I did not

understand him to show that impudence was in any way analogous to spoilt goods, which is what the cases refer to, directing that it shall not be treated as payment. Really the case is so plain and so clear that one is almost ashamed to give any reasons for the decision. It is only necessary to look at the Act of Parliament and to see it, to hold that non-payment of wages by an employer is not yet subject to any Act which involves the penalties imposed by the Truck Act; the appeal therefore must be dismissed."

The following recent case is also unreported:

Gould *v.* Haynes. Nov. 29, 1889. Lord Chief Justice Coleridge and Lord Justice Bowen. Gould *v.* Haynes, Inspector of Factories. Defendant said to John Watts: "Mobey, you have had some beer and port wine, I'll sub you 4*s.* to pay it" (the account was 3*s.* 10*d.*). Haynes handed four separate shillings to Watts.

Lord Coleridge: "We both think that we might as well repeal the Truck Act, as refuse to convict in a case of this sort. It is perfectly plain the thing is done for the purpose of evading the Truck Act."]

38. On the motion of Mr. R. C. ROBERTSON it was agreed—

"That this Congress instruct the Parliamentary Committee to introduce a Bill amending the present Mines Regulation Act, that in any district of a mine where more than twenty persons are employed at one time, there shall be at least two roads of not less than four feet wide and four feet high, separated at all parts by not less than ten yards of strata or solid building, and such roads shall be available for ingress and egress, and shall be regularly examined and reported upon by a competent person."

"That this Congress instruct the Parliamentary Committee to introduce a Bill amending the present Mines Regulation Act, for giving power to workmen to appoint any person to inspect the mines periodically on their behalf; and in all cases of accidents, that facilities shall be given any two persons appointed by the miners employed in the mine in which such may occur, or by the relatives of those killed or injured."

"That this Congress instruct the Parliamentary Committee to introduce a Bill amending the present Mines Regulation Act, providing that the second shaft or outlet made compulsory under the Act shall be daily inspected by a competent person, and shall at all times, while men are employed in the mine, have an efficient appliance for withdrawing the men in case of the other shaft being unfit to be used for the purpose."

39. Mr. WOODFIELD moved:

"That this Congress regards with surprise the action of the Government, in recently withholding from trade unions the privilege of depositing their money in the Post-office Savings Banks after enjoying such privilege for over a quarter of a century: it further calls upon Parliament to pass a measure according to trade unions the same right of depositing their funds without limit, as is accorded to friendly and other provident societies under the Savings Banks Acts. In the event of the Government refusing to bring in a Bill, the Parliamentary Committee is hereby instructed to introduce a measure in the next Session of Parliament, to secure equal treatment for trade societies, on the same basis as other societies, providing provident benefits in their rules in the same office, by the same official of the Government."

Carried unanimously.

40. Mr. JOHN INGLIS moved:

"That the Trade Union Acts of 1872 and 1876 having extended the protection of the law to the funds of trade unions, it be an instruction to the Parliamentary Committee to take the necessary steps to compel the public prosecutors in Scotland to carry out the provisions of these Acts, when they are called upon to do so by the accredited representatives of such trade unions."

Carried.

41. Mr. BRENNAN moved:

"This Congress is of opinion that the Merchant Shipping Act should be so amended as to make it illegal for sailors to discharge the cargo from the vessels they navigate."

The resolution, having been made international, was agreed to.

CHAPTER II.

WHAT THE LEGISLATURE CAN DO; WHAT IT HAS DONE; WHAT IT OUGHT TO DO.

I was much struck by the eloquent declaration of the Hon. Bernard Coleridge, made at the great Sheffield meeting of the National Liberal Federation, on November 21st, as to the province of the Legislature in relation to social ills. Respectfully disagreeing with him, I desire to clearly state my own position. I submit that the Legislature ought not to directly limit the freedom of the adult except in matters of crime, or in matters which, being less or other than crime, are clearly injurious to the life, health, or property of other members of the community. I admit that—in a country like our own, with its patchwork statutory maze in which the legislator may well be bewildered—it is impossible sometimes, difficult often, to limit legislation by the strict application of the principles advanced in this chapter. The country, its social institutions and customs, its laws, its habits, are the slow outgrowth of conflict between Roman, Saxon, Danish and Norman mouldings of aboriginal tradition. Our progress has usually been compromise. Our nineteenth century legislation has nearly always been in the nature of concession to demand, rather than an assertion of duty.

Though dissenting from most of his conclusions, I accept in each case the issue as stated by the Rev. W. Cunningham

("Politics and Economics," p. 134): "To what extent may we interfere with individual liberty in this particular case? To say that the case is exceptional gives us no real help; we want to know how we are to act here, not merely to be told that the case is an unusual one. And, to discriminate rightly in this matter, we must go back to the very root of the matter, and trace the relations of the State with individual citizens." Though I take exception to his doctrine (p. 139) that "we cannot lay down any rules as to what kind of things should be done by the State and what kind of things should be left to individuals", I concede that a hard and fast line is difficult to draw "between the sphere of State control and that of individual judgment", and I admit that in a very large number of cases "both factors are at work".

Excepting physical and economic limitations, Parliament is competent for any and every statute it chooses to enact: constitutionally, there is no limit whatever to its power. In this country the Legislature is supreme. We have no written constitution, such as exists in the United States of America, limiting the authority and jurisdiction of the Legislature. We have no tribunal with the right—possessed by the Supreme Court of the United States—to declare that any statute is null and void because unconstitutional. The constitution of Great Britain and Ireland for the time being is the totality of the common law and statute law of the Kingdom. A new Act conflicting with part, or contrary to the whole, of the hitherto existing law, is not unconstitutional. It simply amends, modifies, abrogates, or enlarges what was theretofore the constitution.

A good working doctrine for statesmen should be to endeavor to mould conduct by the development of sound public opinion,

rather than by the enactment and operation of penal laws. Especially should the Legislature be careful not to profess to do that for the worker which it is reasonably possible for him to do for himself without the aid of, or without the undue pressure of, the law. A duty enforced by others is seldom as well performed as a duty affirmed by the doer. The results are better from the willing hammerman's work than from the slave at the anvil fearing the overlooker's lash. In self-regarding matters, social reforms, and domestic concerns, the motto for law makers should be "the most self-reliant liberty, the least statutory restriction or compulsion".

I therefore submit that Parliament ought not to legislate on matters on which the people are, or reasonably ought to be, able to protect themselves. It ought not to enact what people shall do or shall not do in respect to self-regarding matters on which the people can fairly decide for themselves. In respect to social reforms and domestic concerns the duty of Parliament is to interfere as little as possible, and only for the purpose of protecting health, life, or property, and preventing acts which are in the nature of crimes. Parliament should do nothing to lessen that spirit of self-reliance which makes society progressive wherever it prevails.

The function of the Legislature, and of the executive authorised by the legislature, should be the preservation of internal peace, the removal of all legal restrictions which hinder equality of opportunity, the protection of each individual against the criminal acts of other individuals, and the protection of all citizens against foreign enemies. It should encourage and, where possible, facilitate individual activity and initiative.

A point scarcely sufficiently considered by workmen is that the claim made by them on Parliament to regulate the condi-

tions of adult labor by shortening hours and augmenting wage, involves the admission and assertion that it is the right and duty of the Legislature to exercise authority on such matters That is, it involves the affirmation of the right and duty of Parliament to lengthen the hours of labor and to reduce wage in any particular industry if and when it shall think fit. As it is usually contended by the advocates of an Eight Hours limit by law that labor is utterly unrepresented in one Chamber, and is in a wretched minority in the other House, this is at least a dangerous position in which they desire to place their clients.

It is perfectly true, as will be presently shown, that the Factory Acts and the mining legislation for women, children, and young persons, have indirectly limited the freedom of the adult worker, and that sanitary legislation has had similar indirect effect; but as to the factory legislation, the adult male is only so affected because both employer and employed find that, in numerous industries, it is less costly and more convenient in certain departments to employ women, young persons, and children. If the adult male could as profitably work without these minors and women, the Factory Acts would not in any way control his hours of labor. Mr. C. E. Bousfield told the Commission on the Depression of Trade (6336): "We do employ the shift system sometimes, but we can at night only employ men, and it is rather a costly operation for us, because our day work is mostly done by women".

Experience of past legislation may somewhat help our judgment as to the results of interference with adult labor.

Enactments prescribing conditions under which men might or must work have always proved ineffectual, although these date back at least five and a half centuries. The Statutes of

Laborers, 25 Edward III (1350), fixed the wage per day, per piece, per harvest, or per term, of agricultural laborers, masons, plasterers, and other artificers and skilled craftsmen; they fixed the charge for making shoes, and imposed imprisonment on men seeking employment out of their own countries. They failed, and further enactment was tried.

"34 Edward III, cap. 9. It is accorded in this present Parliament that the Statute of Laborers of old times made shall stand in all points except the pecuniar peine, which from henceforth is accorded, that the laborers shall not be punished by fine and ransome. And it is assented, that the said statute shall be enforced in punishment of laborers in the form following—that is to say, That the Lords of towns may take and imprison them by fifteen days if they will not justify themselves; and then to send them to the next gaol, there to abide till they will justify them by the form of the statute, and that the sheriff, jaylor, or other minister shall not let them to mainprize nor bail, and if he do, he shall pay to the King £10, and to the party 100 shillings, nor that the sheriff, jaylor, or other minister, shall take any fee nor porterage of prison, nor at his entring, nor at his going out, upon the same pain. And that as well carpenters and masons be comprised of this ordinance as all other laborers, servants, and artificers. And that the carpenters and masons take from henceforth wages by the day, and not by the week, nor in other manner. And that the chief masters of carpenters and masons take 4*d*. by the day, and the others 3*d*. or 2*d*. according as they be worth. And that all alliances and covins of masons and carpenters, and congregations, chapters, ordinances, and others betwixt them made, or to be made, shall be from henceforth void and wholly annulled, so that every mason and carpenter, of what condition he be, shall be compelled by his master to whom he serveth, to do every work that to him pertaineth to do, or of free stone or of rough stone. And also every carpenter in his degree.

"34 Edward III, cap. 10. Item, of laborers and artificers, that absent them out of their services in another town or another county, the party shall have the suit before the justices, and that the sheriff take him at the first day, as is contained in the statute, if he be found, and do of him execution as afore is said, and if he return, that he is not found, he shall have an exigend at the first day, and the same pursue 'till he be outlawed, and after the outlawry a writ of the same justices shall be sent to every sheriff of England, that the party will

sue to take him, and to send him to the sheriff of the county where he is outlawed, and when he shall be there brought, he shall have there imprisonment till he will justify himself, and have made gree to the party, and nevertheless for the falsity he shall be burnt in the forehead with an iron made and formed to this letter F in token of falsity, if the party grieved the same will sue."

In 1388, by 12 Richard II, caps. 3, 4, and 5, any workman quitting his hundred without permission under the King's seal, was liable to imprisonment; penalties were imposed for giving or taking more than a fixed rate of wages, and it was enacted that if any one was employed as a servant in husbandry until twelve years of age, he should so continue all his life. It had been previously enacted in that reign, 1 Richard II, that no villein should be permitted to withdraw himself from the service of his lord. In 1416, 4 Henry V, cap. 4, it was enacted that the penalties imposed by 12 Richard II, for receiving too high wages by servants in husbandry, laborers, and artificers, should be imposed on the wage-receivers only. In 1423, by 2 Henry VI, cap. 14, further powers were given to justices, to punish with imprisonment all masons, carpenters, tilers, thakkers, and daubers, who asked for unreasonable wages.

In 1426, the justices, by 8 Henry VI, cap. 3, were empowered to fix by proclamation the rate of wages of artificers, workmen, and servants in husbandry, with power to arrest and examine any workman suspected of receiving higher wage, and to imprison such workmen as received such higher wage. The 23 Henry VI, cap. 12 (1444), fixed the wages of carpenters, masons, and other artificers, at 3*d*. per day with food and drink, and 4*d*. per day without food and drink, and authorised the committal to prison of any one who would not work at the wages fixed. In 1463, 3 Edward IV, it was enacted what

clothes might or might not be worn by laborers and others. In the next years, laws followed regulating the work of shoemakers, harness, and pattern makers; while in the 3 & 4 Henry VII, the prices of cloths, hats, and bonnets, and other manufactured articles, were fixed by statute. Every one of these laws failed in turn; additional laws gave increased penal powers, and these too failed. The statute-book is full of enactments through the succeeding reigns, all directed to the regulation of labor and the wages which the artificer, husbandman, or servant, might receive.

In 1562, the 5 Elizabeth, cap. 4, repealed all previous enactments. It recited that

"although there remayne and stande in force prtly a greate nomber of actes and statutes concerning the reteyning departing wages borders of apprentices, servantes, and laborers, as well as in husbandrye as in divers other artes, mysteries, and occupations, yet ptly for thimperfeccon and contrarietie that ys founde and doe appeare in sundrye of the said lawes and for the varietie and nomber of them, and chiefly for that the wages and allowances, lymytted and rated in many of the said statutes, are in dyvers places to small,"

therefore all preceding statutes were repealed, and in order to

"banishe idleness, advance husbandrye, and yeelde unto the hired pson both in the time of scarsitee and in the tyme of plentye a convenient proporcon of wages,"

fresh enactments were made. Justices of the peace and magistrates of cities and burghs were empowered to fix prices of work and rates of wages for artificers, laborers, and craftsmen. [This was repealed by 53 George III, cap. 40.] Persons were forbidden to be

"retayned, hired, or taken into service, by any meanes or color, to woorcke for any lesse tyme or term then for one hole yere in any of the scyences, craftes, mysteries, or artes of clothiers, wollen cloth weavers, tuckers, fullers, clothworkers, sheremen, dyers, hosyers,

taylours, shoomakers, tanners, pewterers, bakers, bruers, gloovers, cutlers, smythes, farrours, curryers, sadlers, spurryers, turners, cappers, hatmakers or feltemakers, bowyers, fletchers, arrowhead-makers, buldiers, cookes, or millers."

[This provision was repealed in great part by 49 George III, cap. 109.] "Every pson between thage of 12 yeres and the age of 60 yeres" not being lawfully

"reteyned, nor apprentice w^th^ any fisherman or maryner haunting the seas, nor being in service w^th^ any kyddyer or carryor of any corne, grayne, or meale, for provision of the citie of London, nor withe any husbondman in husbandrie, nor in any citie, towne corporate, or market towne, in any of thartes or sciences, lymitted or appointed by this estatute to have or take apprentices, nor being reteyned by the yere or half the yere at the least, for the digging, seking, finding, getting, melting, fining, woorking, tryeng, making of any sylver, tynne, leade, iron, copper, stone, sea cole, stone cole, moore cole, or chock cole, nor being occupied in or aboute the making of any glasse, nor being a gentleman borne, nor being a student or scoler in any of the universities, or in any scoole,"

was compellable to serve as an agricultural laborer, and the following enactment fixed the hours of labor :—

"All artificers and laborers being hired for wages by the daye or week shall betwext the myddest of the monethes of Marche and September, bee and continue at theyr woorck, at or before five of the clock in the morning, and continue at woorck and not departe untyll betwext seven and eight of the clocke at night, except yt bee in the tyme of breake-fast, dynner, or drincking, the w^ch^ tymes at the most shall not exceede above two houres and a half in the daye, that is to saye, at every drincking one half houre, for his dinner one houre, and for his sleape when hee is allowed to sleape, the w^ch^ is from the midst of May to the mydst of August, half an houre at the most, and at breakfaste one halfe houre; and all the said artificers and laborers, betwen the midst of September and the mydst of Marche, shalbe and continue at their woorck from the spring of the day in the morning untill the night of the same daye."

Large powers were given to apprehend workmen going into other shires to seek employment. Artificers refusing to work as

agricultural laborers in harvest time were to be put in the stocks. A score of other provisions, with these, all fell into disuse; and finally, by 38 and 39 Vict., cap. 86, the remains of this law of Elizabeth were swept away.

So far as I am aware, the last case which ever came before the Court of King's Bench in relation to the fixing of wages by the magistrates may be found in 14 East, 395, Rex *v.* Justices of Kent. A petition had been presented by the working millers of Kent to the Justices in Quarter Sessions praying them to fix their wages pursuant to 5 Elizabeth, cap. 4. The Sessions declined on the ground of want of jurisdiction, whereupon the Attorney-General moved for a *mandamus*, which was unanimously granted, the Court relying on 1 James I, cap. 6. One of the arguments used by counsel was "that the policy of the State was against the extension of such a power, which placed the ignorant and the idle upon a level with the expert and the industrious". Some very curious cases arising on enforcement of the Statutes are collected in Viner's Abridgment, "Master and Servant", I. N. S. and U.

As Baernreither puts it, this old legislation was the work of those whose "ultimate object was to compel the population to work; they regarded the labor of the lower classes as indispensable to public order, and it was simply a consequence of this view, which, as is well known, was carried out in England with great severity, that neglect to work, the breach of contract, was treated as a breach of public order, as an offence, involving criminal punishment. This view was maintained in English legislation for a remarkably long time, and its last traces were not abolished until the Act of 1875."

W. Clarke ("Fabian Essays", pp. 75-77) gives a partial

but interesting presentment of the newer lines of industrial legislation.

The ablest and fullest general statement of the effect of recent legislation I have yet seen is that given by the Rev. W. Cunningham, in Book 2 of his "Politics and Economics". Though disagreeing very strongly with the attitude Mr. Cunningham takes, it is mere justice to note the thoroughness and carefulness of his work.

Mr. Howell, in his "Conflicts of Capital and Labor", cap. 2, Part II, pp. 71-83, has collected illustrations of trades "subject to statute", and on pp. 427-429 has given a list of modern statutes affecting labor; but it will be sufficient for my purpose here to refer to the repealing schedule to the Factory and Workshops Act, 1878, 41 and 42 Vict., cap. 16, the Act to consolidate and amend the law relating to factories and workshops. This schedule shows distinctly the lines taken in modern times by the Legislature, of protection for children and young persons, of protection for adult women, of care for life, limb, and the public health. In the Factory and Workshops Act, 1878, these lines are strictly observed. The consolidating and amending Act was itself the outcome of the Royal Commission appointed in 1875, and which made its report in 1876.

As very frequent reference is made to English factory legislation by those who advocate statutory interference with the conditions regulating adult labor, it may be well for the narrative of such legislation to refer also to Von Plener, and Baernreither. The first collects, in his little work on "English Factory Legislation", a careful and reliable summary of the history of the development and working of such legislation down to 1871. Baernreither, in his admirable volume on "English Associations of Working Men", carries this history

further in his section on the legislative and administrative action of the State. He says (p. 100): "The Government in England has directly intervened in two ways in the development of the working classes: on the one hand, by creating new and important departments for the protection of the workman; and, on the other, by giving a new legal meaning to the contract of service. The first object was attained by the Factory Acts, and by analogous codifications of the law respecting the mining industry and shipping. The second object was attained by a series of Acts reforming the status of the workman in regard to the civil and criminal law." And he affirms (p. 101) that "it cannot be doubted that this legislative development has increased to an extraordinary extent the power directly exercised by the State in respect of the relations between the employer and employed, and that the successful results exhibited thereby have contributed more than anything else to modify the views entertained in England respecting 'State interference'. There is no branch of English legislation that penetrates more deeply into the domain of private rights, but also none the justice and necessity of which at the present day has been more universally admitted by all those whose interests it affects."

I venture to suggest that it is in our sanitary legislation, outside all question of employer and employed, that there has been what Dr. Baernreither would describe as legislation penetrating most "deeply into the domain of private right". This has been sought to be justified, and, where justifiable, can only be justified by the protection of the health of the community at large. The factory and workshop legislation in favor of young persons and children has similar argument in its favor. I do not think the

legislation as to women can be so justified, except by those who regard women as unable to protect themselves in the struggle for existence.

Noting the limitations of the hours of labor in the cases of children, younger persons, and women, Baernreither observes (p. 103): "The persons thus specially protected by the Act have become the regulators of the hours of work in general; for, although legislation in England has consistently avoided any regulation of those hours for grown-up men, the 'normal day's work' so strictly adhered to in the case of children, young persons, and women, indirectly affects all factories and workshops where men are employed together with the protected persons".

I suggest that any fixing of a limit to either hours or wage, whether the limit be fixed as a maximum or as a minimum, tends to make the time or amount fixed the ordinary time or amount—that is, the minimum becomes the maximum, and *vice versâ*.

The Right Hon. A. J. Mundella, in his introduction to Von Plener, says: "An argument which is freely advanced against the interference of the State with the relations of capital and labor is that it tends to undermine the independence and self-reliance of the class which it seeks to protect, and teaches them to look to the State rather than to their own exertions to remedy evils requiring redress. My answer to this is that the factory operatives of Lancashire and Yorkshire have made greater advances in self-reliance and independence during the past fifty years than any other class of English operatives. Building and Benefit Societies, Co-operative Associations, both for distribution and production, have taken their rise and flourish amongst them on a scale of magnitude unknown in any other part of the United Kingdom."

I am not aware that there is the slightest evidence that the introduction, foundation, and development of either building societies, benefit societies, or co-operative societies, has been in any way connected with, or resultant from, the interference of the State "with the relations of capital and labor". Without in any fashion desiring to detract from the character for independence and self-reliance, deservedly awarded to Lancashire and Yorkshire men, I could claim as high a character for the shoemaking population of Northamptonshire, and for a considerable proportion of the Tyneside men. I doubt if any town has been improved so much by building societies during the past thirty years as Northampton has been; but I venture to say, with some positiveness, that such improvement has no connexion whatever with any "interference of the State in the relations of capital and labor".

Cardinal Manning, who had been understood in a letter published at Liège, and in some other utterances, to go a very long way in legal regulation of industry, partly explains his position in a letter dated November 25th, 1890, in which he writes: "It seems to me that the 'eight hours day' is becoming clearer. Nobody can wish for a law if the matter can be settled permanently by consent. It is contrary to our whole system to do by law what men can do for themselves; but a small dissentient minority might hinder a great consenting majority. A permissive Bill would meet this case, and a consent established this year might be upset next year, unless it had legal validity. As to overtime some provision might be made, but it is an exception which ought not to prevent the rule being made. The case of shop assistants and the railway and tram men shows the need of a legal rule and responsibility."

But does this mean that if the matter cannot be settled by consent the dissentients are by statute to be made criminals? Does Cardinal Manning really believe that, if the overwhelming majority of the men had agreed on any course as to their own labor, they could be prevented from carrying it out by "a small dissentient minority"? And what is meant by a permissive Bill, with a consent, to be in force one year and upset the next unless it had legal validity? Does Cardinal Manning seriously think that trade once lost can be easily regained? The present Lord Brassey, in an address delivered in 1873 to the Social Science Association, Norwich, says (p. 29): "It must be remembered that when the course of trade has been changed, and consumers, alarmed by the high prices in our markets, have been taught to look for their supplies in another, the position once lost is not easily regained". With reference to the overlong hours worked by railway employees, I submit that—as the railway companies require Parliamentary authority and work under a practical monopoly—it would not be unreasonable to enact that the unduly long employment of guards, enginedrivers, signalmen, and the like, should be *prima facie* evidence of criminal negligence on the part of the acting directors and high officials, and of negligence importing civil liability on the part of the railway company, in case of injury directly or indirectly arising on an occasion when persons were so unduly employed.

Mr. Sydney Webb, in the "Fabian Essays", p. 47, says: "The theorists who denounce the taking by the Community into its own hands of the organisation of its own labor as a thing economically unclean, repugnant to the sturdy individual independence of Englishmen, and as yet outside the sphere of practical politics, seldom have the least suspicion

of the extent to which it has already been carried;" and he then gives a fairly long list of matters in which the State or local authority is concerned in trade or manufacture. So far as a monopoly is necessary to the conduct of a business—of road, as in the case of railroad or telegraph; or of supply, with right to interfere with public convenience, as in the case of gas and water—there is much to be said for such a business being conducted by the local authority where the monopoly is local, or by the State where the monopoly is wider. In each case the exploitation is only possible under statutory authority. But none of these cases justify the further interference of the State in what is called "the organisation of labor", and which interference now deliberately proposes the fixing by law of the maximum hours of daily work, and of the minimum rate of pay.

Sir Charles Dilke says on this (*New Review*, July, 1890, p. 5):

"The mere fact that the State has not hitherto directly interfered in the regulation of the hours of male adult labor possesses more importance for writers than for the electorate (*a*). The State has practically interfered already by shortening the hours of women's labor and of child labor, upon which in many industries the hours of male labor depend (*b*). The passing of the Factory Acts is known to have been opposed by many Liberals as respected in their day as are those Liberal leaders who now oppose legislation. Those laws were opposed at the time on the ground that the State was only nominally, and not really, confining its action to women and children. It was pointed out in Parliament, and with truth, that factories of many kinds would have to work short hours—short hours for men as well as for women and children—if the laws were passed; but there was added to this statement the prophecy that trade would in consequence leave Great Britain and go elsewhere. In spite of those objections the Bills were passed by Parliament and came into force, and the statements of their opponents proved true, so far as the shortening of the hours of men's labor went. Nevertheless, trade did not leave us, and, on the contrary, British trade and manufactures never so triumphantly showed their superiority over the trade and

manufactures of the Continent as during the years which followed the passing of the Factory Acts (*c*). Mr. Bradlaugh, who is opposed to legislative interference, is as hostile to it in the case of women as in the case of men. When extensions of the Factory Acts as regarded women were proposed, Mr. Fawcett opposed them on the ground that there was no real distinction to be drawn between women's labor and men's labor. He was right. It is true that children can be made to labor, but it is not true, as a general rule, that women are compelled to labor in Great Britain. As regards the majority of women workers the only compulsion is want of food, or the desire to obtain wages in order to spend them upon their families, a kind of compulsion which has its action also upon men. There is no sufficient distinction to be drawn between the cases of men and women: but that argument, used without avail to prevent the extension of the provisions of the Factory Acts concerning women's labor, is now made use of in the contrary sense to justify the extension of the Acts to men's labor too."

I venture to add to this the following notes:

(*a*) Surely the fact that the Legislature has not so interfered with adult male labor ought to have weight with legislators as well as with writers. At least the burden of proof rests on those who propose to change our lines of legislation.

(*b*) This argument has already been dealt with. The interference has been on the sole ground that women and children were unable to protect themselves, and that interference was necessary in the interests of public health.

(*c*) It is true that in industries where this country had the advantage in coal and iron, in *main d'œuvre*, or in improved machinery, this has been the case; but there are now few if any instances in which this country has such clear advantage. It is also clear that, if not because of such legislation, yet most certainly since its passing, certain industries have been seriously injured.

It is hardly fair for Sir Charles Dilke to omit from consideration the fact that during the past twenty years the

position of this country has entirely changed with reference to the control of raw materials, iron, lead, and copper, and has also enormously modified in reference to coal. In 1870 our total imports of iron-ores from foreign countries amounted to 208,300 tons; in 1884 we imported 3,153,000 tons. In 1870 Great Britain was the largest lead producer in the world; in 1884 she had fallen far below Germany, and only produced one-third of the quantity produced by the United States. In copper ore the mines of England and Wales furnish, year by year, a lessening quantity of the world's constantly increasing consumption.

In 1870 the coal output of Great Britain exceeded that of the whole world; to-day this is no longer true, and not only are new coalfields being opened out in every part of the globe, but in Russia and America an oil-fuel has been utilised of which we are entirely destitute, in the natural advantage of which it is probable India and China will share.

The improved machinery; the special *main d'œuvre* and enterprise for which this country was famous forty years ago, as the almost sole possessor in various industries, are now more or less the common property of the whole civilised world: where we keep in advance, it is only by arduous and continued effort. We are no longer the workshop of the world; we are only one amongst many.

In such industries as flax spinning, where no improvement has been effected in machinery, England and Scotland have lost ground as compared with Germany and Bohemia.

A well-informed friend, on whom I can thoroughly rely, writes me that "The decay of the flax industry in Leeds district is entirely owing to German competition. I can say from my own experience that my trade in flax and hemp yarns and

twines, which used to be done almost exclusively by purchase in Leeds, is now done almost as exclusively in Bohemia. The goods are not only cheaper—they are very much better in quality, and in workmanship and finish no English house I know could touch them; they are also always dependably the same."

Flax spinning, some forty years since, was an industry in the Leeds district giving employment to some 15,000 persons. It has, however, entirely died out in that district, and has, it is alleged, passed to the foreigner in consequence, among other things, of the operation of factory legislation. Mr. R. H. Reade, one of the York Street Flax Spinning Company, Belfast, who appeared unacquainted with the English industry, gave evidence before the Royal Commission on the Depression of Trade and Industry (7012—7016) that the machinery used in flax spinning is practically the same as it was prior to the reduction of hours; that he considered the reduction of hours to have operated unfavorably in reducing production. He said: "I myself took some pains to compare the amount of production after the reduction of hours with the amount produced before the change in the hours of labor. I was inclined to think that the reduction of production would not be in the same ratio as the reduction in the hours of labor, but I found it was exactly in the same ratio." In England and Scotland the flax industry has been gradually reduced in a much greater ratio than in Ireland, while "in Germany and Bohemia the trade has been progressing very rapidly". Mr. Reade attributed this to cheaper raw material, cheaper labor, and longer hours of labor.

The Flax Supply Association of Belfast, replying to the Royal Commission on the depression of Trade (Second Report,

p. 410) stated: "Foreign competition is reducing prices and injuring our trade, and this competition is rapidly increasing. The excessive hours of labor give the foreign manufacturer a great advantage."

In the textile industries the margin of profit has in late years been considerably lessened by the advances made in countries beyond the seas.

In the United Kingdom no less than 1,084,631 persons are engaged in textile industries, of whom 428,082 are males; of these 40,538 are boys, half timers: 656,549 are females, of whom 45,941 are girls, half timers. The hours of working for adults and full timers are fifty-six and a-half hours per week. It is needless to say that cotton is the most important of our textile industries. It is alleged by an official representative of the cotton workers that the effect of reducing the weekly hours from fifty-six and a-half to forty-eight, leaving wage at its present rate, would be to reduce the wages eleven per cent. As the operatives cannot without great hardship bear such a reduction, can the rate of wage be materially increased and can the spindles be driven at higher rate of speed so as to ensure equal product in the lesser hours?

In the evidence taken by the Board of Trade in the Railway Rates Inquiry, Mr. Alderman Emmott, of Oldham, representing the United Cotton Spinners' Association, which with about £100,000,000 capital owns about 30,000,000 spindles and uses about 550,000 tons of cotton in the year, stated that the return on capital in recent years had been most inadequate; that in the competition with foreign countries the English cotton spinners found it difficult enough to hold their own; and that over the last twelve or thirteen years the average returns of limited companies in Oldham had been very little

over three per cent. Mr. Samuel Andrews, representing the Oldham Master Cotton Spinners, giving evidence on the same inquiry, said: "In 1884 there were nearly 43,000,000 spindles in the cotton trade of the United Kingdom. In 1889 they had only increased 500,000. Now our competitors outside in the same time have exactly increased their spindles 3,000,000. They have increased actually at six times the rate our cotton trade has increased at." Before the Royal Commission on the Depression of Trade (4289) the same witness stated that in 1876 the number of spindles outside Great Britain was 30,000,000; in 1885 it was 38,000,000, an increase of 8,000,000 spindles. These figures slightly differ from, and require comparison with, the paper furnished by the Oldham Cotton Spinners' Association to the Royal Commission on Trade Depression, given on page 423 of the Second Report; and allowance must be made for the fact that the home spindles, running at a higher rate of speed, turned out a greater weight of yarn per spindle. I am, however, reliably informed that some mills now at full work in Russia, having the latest inventions in machinery, fully compete with this country in weight per spindle. It appears (p. 433) that the three per cent mentioned by Mr. Emmott was an average taken over nine years, 1877 to 1885, the companies having mostly new machinery and producing at the least possible cost, but using about half loan capital, on which five per cent interest was paid.

The Oldham Master Cotton Spinners say (p. 426):

"We estimate the capital in the whole of the cotton trade, in 1876, at £70,000,000; in 1871, it was estimated at £87,000,000; in 1876, at £90,000,000; and in 1885, at £100,000,000. This latter item is thus divided:—Spinning, £55,000,000; Weaving, £20,000,000; Printing, etc., £5,000,000; and Manchester, £20,000,000; Liverpool not being included in the above estimate.

"The quantity of labor employed has not increased proportionally with the number of spindles and the number of looms. In 1874, it was estimated that the cotton trade found employment for 479,515 workpeople. Of these, about 130,000 would be engaged in cotton spinning, including winders, reelers and other subsidiary hands. In 1885, the number of workpeople was 504,069; the number in the spinning department being about 150,000, including the above branches. While the spindles have increased nearly 7 per cent., workpeople employed have only increased 5 per cent."

They add:

"We are not of opinion that changes in the hours of labor in Great Britain have greatly affected the condition of our trade, as we appear to be turning out as much work in the shortened hours of labor as we did before the passing of the Ten Hours' Bill. This is chiefly owing to the great improvements in machinery. At the same time, from returns received from many of our Continental and other rivals, we find that their production per spindle is very much greater than it is possible for our spindles to accomplish under present conditions, owing to the greater number of hours worked in those countries; and this ought to be a very serious consideration in dealing with the question of the hours of labor in England."

On March 12th, 1890, Mr. Samuel Andrews, in a letter to the *Oldham Chronicle*, so far as Oldham is concerned, brought the statement of average profit down to the end of 1889, giving the figures carefully year by year for 1885–89, on limited companies with £6,750,000 capital, of which loan capital £3,250,000 received four and a-quarter per cent, and share capital £3,500,000, an average of three and three-quarters per cent. The stock-takings in Oldham up to the end of August, 1890, appear to show a much larger average profit on the eight months. In a paper on "Fifty Years' Cotton Trade", read before the British Association at Manchester, in 1887, the same gentleman carefully examines the whole question; and, if his statements are accurate, which it seems to me can scarcely be doubted, then two things are clear. (1) That the net profit to the spinner and manufacturer (omitting exceptional cases) is, on

the average of the last twenty years, less than he could get if it were possible for him to invest his money in fairly good debentures. (2) That, while the cotton trade has to rely chiefly for its continuance on foreign markets, the competing ability in nearly all those markets is rapidly increasing. Further, I think it is certain that any legislative action which increased the cost of home production would sorely cripple this important industry.

It is alleged by the workmen that glass manufacture and carpenters' and joiners' work have also suffered severely from cheaper foreign manufactures. A similar allegation is made as to paper by the manufacturers. This, however, only seems verified so far as loss of profit is concerned. The Northern Counties Coachmakers' Association say (2nd Report Royal Commission on Depression of Trade, p. 422): "France, Spain, Italy, Germany, Russia, and other European countries formerly imported the majority of the carriages built in England for foreign markets. At present France and Austria are supplying the demand."

The Sunderland Chamber of Commerce, in a Special Report on the Glass Bottle Trade (1st Report Royal Commission on Depression of Trade, p. 111), state that:

"Ten years ago 36 bottle houses were at work in the district, whereas now only 14 are working. By the 22 bottle houses being thrown out of work, wages to the extent of £50,000 to £60,000 per annum have been lost to the district. It is worthy of note that this trade has gone out of the kingdom, and the work is now executed abroad."

Another trade which has died out in the past twenty-five years is the Coventry and Congleton Ribbon trade. Gold, silver, and metal beating is alleged to be an industry which began to die out twenty-five years ago, and is gradually

decreasing in this country whilst increasing abroad. In 1864 we imported 6,625,300 leaves; in 1885 we imported 79,867,650.

The Gold and Silver Metal Beaters, in their statement to the Royal Commission, explaining how their trade has died out under foreign competition (Second Report, Appendix, Part II, p. 69), say:

"Foreign gold leaf, of their so-called best quality, being sold at 40s. per thousand leaves, it follows that 100,000 would realise £200. The best quality of English gold leaf cannot be profitably manufactured under 50s. per thousand leaves."

The Leather Trade Association says (Second Report Royal Commission on Depression of Trade, pp. 412-13):

"From the Continent we get large quantities of high-class goods, dressed calf-skins, calf kids, moroccos, glove kid and all the finer classes. All these goods are distinctly our own industry, and they displace just that amount of English make. This is not peculiar to London, but to every county in the United Kingdom. Had the centre of production shifted to other places outside, no remarks would have been necessary, but that is not the case. Take Bristol as an illustration: there we find the production of heavy sole leather reduced to a very low ebb compared with what it was in 1870. Take the currying branch for the same place, and contrast the present small production with the very large trade done there formerly. This has not gone to other centres, as Leeds, for instance, for there was always a large currying trade carried on there. All our small towns had their tan yards and currying shops, often more than one, and employing a good number of hands, now almost all closed. There is a tendency to centralise trade now beyond a doubt, but foreign production has prevented this with us." . . . "American leather was a thing unknown here a few years since; on the contrary, we supplied them largely."

Mr. J. W. Sparrow, of Beckminster (Wolverhampton), formerly a Staffordshire iron-master and coal-owner in a large way of business, urges that, in consequence of the factory and mining legislation affecting juvenile labor, and the consequent increase in the cost of production of pig-iron, a large amount

of the iron trade which existed in South Staffordshire thirty years since has been lost to that district. The greatest number of furnaces ever in blast at one time in South Staffordshire was in 1857, when 153 were in work, and the coal, ironstone, and limestone were raised in the county. Now there are only thirty-three furnaces in work, and tap cinder is used with raw Northampton ore and about one-eighth North Staffordshire ironstone. With the better class of iron some Ulverstone Hematite is added. Mr. Sparrow, in a letter to the *Midland Counties Express* (24th July, 1884), says: "My firm were at one time the largest producers of native ironstone in South Staffordshire, and now we do not get a single ton; our pumping engines, four in number, could not be kept at work. They cost £4,000 a year to keep them at work, but when the profits fell to zero, and below it, there was no fund available to work them, and the ironstone mines were drowned out and abandoned." I do not feel quite sure that Mr. Sparrow gives quite sufficient weight to other causes, as the development of pits nearer ports; but, as he speaks with knowledge and evident sincerity, I give his statement, especially as it is material when to other hostile causes it is proposed to add a statutory increased cost of production. He says that prior to 1873 the ironstone pits of South Staffordshire furnished about 1,000,000 tons of native ironstone, that these are all closed by the stoppage of pumps which it did not pay under the eight hours' limit to keep going, and that consequent on this has been the blowing out, since 1873, of at least seventy blast furnaces. From the position in South Staffordshire there was ten per cent cost of carriage to port; and Mr. Sparrow reckons the increased cost in consequence of the lesser production on the reduced hours of labor as from twelve and

a-half per cent to fifteen per cent. Whether or not perfectly justified in so strongly attributing his inability to compete to the reduced hours of labor, it is an illustration that Sir Charles Dilke should make some qualification to the statement (*c*), p. 44. It is noteworthy that Mr. Sparrow, owning his mines, had not rent or royalty charges, and, having ample pecuniary means, was not an interest-payer on borrowed capital.

Whether accurate or inaccurate, there was a strong concurrence of opinion expressed in 1886 by the various coalowners as to the effect of legislation in increasing cost of production. The Northumberland Coal Trade Association and the Durham Coal Trade Association use almost the same language (Second Report Royal Commission on Depression of Trade, pp. 420-1).

"The Mines Act of 1872, which shortened the hours of boys' labor, and which began to operate in 1873, together with the disposition on the part of the men to restrict their work, partly with a view of enjoying the good wages which accompanied the prosperous second period, and partly with the idea that their restriction would still further force up prices and wages, and prolong the general prosperity, led to a very large expenditure of capital, together with an extension of collieries and additional employment of labor, which was soon followed by a reaction, from the effects of which the trade has never recovered; and although there has been lately much less restriction on the part of the men, and their wages have more nearly approached those of the normal period, yet the change has not been of sufficient importance to place the trade in a position to meet the greatly increased competition which has resulted from their former action."

The South Lancashire and Cheshire Coal Association agree (p. 416) that "the immediate effect of the Mines Act was a lessened production and an increased cost".

It may not be out of place on the point of foreign competition to quote from the Report of the Royal Commission a

paragraph on which all the Commissioners, save one, completely concurred:

"The increasing severity of this competition both in our home and in neutral markets is especially noticeable in the case of Germany. A reference to the reports from abroad will show that in every quarter of the world the perseverance and enterprise of the Germans are making themselves felt. In the actual production of commodities we have now few, if any, advantages over them; and in a knowledge of the markets of the world, a desire to accommodate themselves to local tastes and idiosyncracies, a determination to obtain a footing wherever they can, and a tenacity in maintaining it, they appear to be gaining ground upon us."

I do not suggest that the volume of our industries has decreased since the initiation of factory, mining, and sanitary legislation. On the contrary, it has increased even more largely than our increase of population; but I suggest that the margin of profit has lessened in the huge majority of cases; that several minor industries have already fallen behind in the contest with foreign nations; and that in the staple industries of our country we only keep in front with great difficulty, and that in most of those industries other countries are acquiring facilities which once were almost solely ours. I believe that the advantage of the legislation in facilitating a general higher standard of comfort has been indubitable; but I desire the people to understand, and legislators to remember, that this higher standard has been purchased. I believe that disease and crime have each been lessened by our sanitary and educational legislation, and I do not suggest we have paid too high a price for these great advantages; but I do want people and legislators alike to understand that undue legal intermeddling may paralyse our efforts and arrest our progress. The swimmer needs clear stream, not weedy trammel.

It is alleged by the advocates of the statutory limitation of

the hours of labor that there is, at present, overwork in all industries, or at any rate in most industries; that such overwork is seriously injurious to health, and has resulted in an increased death-rate. While agreeing that in some industries and occupations men work exceedingly long hours, I do not admit that this is true either of all industries or of most occupations. There is clear evidence that the average hours of labor in this country are shorter in most industries than they were fifty years ago; and that the lesser hours and improved conditions of labor have resulted from mutual concessions between employers and employed, and from the efforts of the workers, usually led by organised combinations. The overwhelming preponderance of evidence in the statements furnished by workmen themselves, in the appendices to the Royal Commission on Depression of Trade, is to the effect that the lessened hours of labor—gained when what is called the nine hours' movement took effect—are generally observed throughout the trades to which the nine hours per day applied. Vital statistics show, throughout the community, a decreasing average death-rate and less disease. It is most desirable that the shortest hours of labor should be worked in every industry, consistent, on the one hand, with the profitable conduct of the business, and, on the other, with full provision for the wage-earner and those dependent upon him. The burden is, therefore, on any person seeking to obtain an enactment to limit the hours of labor, to show that in the bulk of industries there is general injury to life requiring such enactment, and either that there is now a sufficient margin of profit to do this without risk of ruin to the business, or that there is a certainty that, despite the reduction of the hours of labor, the production and consequent profit would be otherwise maintained. Such a case

should be capable of proof by clear and exact evidence, taken carefully, and subject to the test of cross-examination, or, in default, the Legislature are not justified in taking what may be an irremediable step.

It is proposed to make general statutory directions in lieu and stead of separate labor contracts, at any rate as to hours of labor, and to make the breach of the statute a quasi-criminal offence. This, so far as I understand any of the legislative proposals, is equivalent to going back several centuries in legislative experiment, whilst disregarding the clear lesson the history of those centuries affords. Conditions of labor, and rates of wage, were formerly fixed by law as against the person employed. It is now proposed, in the alleged interest of the wage-earners, to fix by statute the hours of labor at one limit for all industries. The London *Daily Chronicle*, in an editorial on June 6th, 1890, advocates such legislation in these words:—"At all events, the eight hours day, which has been in full fruition in the Province of Victoria for twenty-five years with the best possible results, cannot be regarded by any but the merest 'freedom-of-contract' fanatics as other than a safe and salutary remedial experiment". But in the colony of Victoria there is no legal limitation of the hours of working. The limitation has been obtained by conciliatory methods, not by force of law. The conditions of industrial life in Victoria differ considerably from our own. The number of wage-earners is limited. Immigration of poor workers is discouraged; protective duties prevail; and there is little export of manufactured goods. Nay, the statute law is to be even further invoked. An advanced Whig, Mr. G. W. E. Russell, affirms that "the question whether Parliament can properly interfere with the hours of labor, with the importation of foreign workmen,

perhaps even with the rate of wages, will assuredly have to be faced in the not distant future, and in order to secure its right solution we shall have need of quite another set of leaders than Adam Smith or Mr. Mill".

Undue prolongation of either physical or mental labor must tend to the deterioration of those overworked. At least equally vital is the augmentation of wage. The evils attendant on insufficient wage are too well known to need recapitulation. Poor food, insufficient nourishment, disease, squalid homes, unhealthy and immoral life surroundings in overcrowded dwellings! into all these and much more may low wage be translated. Poverty has prostitution, crime, and sickness for its campfollowers. But will any sane man pretend that any statute will have force enough to generally convert low wage into high wage, or overwork into moderate toil? The editor of the London *Daily Chronicle*, in the article just quoted, seems to think so, for he says:—

"The eight hours working day demanded by the vast Hyde Park concourse recently, it is hoped, will go a long way to abolish the unemployed—'the capitalists' army of reserve'—thus enabling the workers to contract with employers on more equal terms, and to secure a larger share of the general produce.' And we believe the expectation is, so far, not economically unreasonable."

That is, the workers will produce less in eight hours, and, to sustain the rate of production, more workers must be employed. But either the present workers for the lesser hours are to receive a lesser wage, or the cost of production must be materially increased. Ought it to be within the competence of Parliament, by an Eight Hours' Act, arbitrarily either to lessen the wage, or to increase to the consumer the cost of the article produced? If it be true that, say in textile industries, additional employment is to be given, then either double

shifts must be worked, or additional plant must be added, larger mills being required. Ought Parliament to run the risk of annihilating some industry, the margin of profit in which will not permit this considerable increase of fixed capital? Old trades unionism sought the highest wage and shortest work period in each industry. New trades unionism seems rather to claim uniformity of work-period and of wage in all industries. One measure of hours may be a very unequal pressure of toil in diverse occupations, and if the work be piecework, may even involve very unequal produce by, and payment to, workers in the same industry. Coal miners are paid by weight, and where the coal is easy to get, or if the worker is very adroit, five and a half hours may win higher remuneration to the coal-hewer, and greater produce for the coal owner, than where the coal has to be won in a longer shift, from a harder bargain, or by a less able miner. In work where men are paid by the hour, any reduction of the hours worked must mean less wage, unless the rate paid per hour is increased. In piecework there are many cases in which increased skill and diligence on the part of the workman may fully make up for reduced hours; in some departments of labor this might not be possible. These varying points can hardly be settled in the heat of Parliamentary debate, and can only be effectively considered by boards or councils in which workers and employers, having special knowledge, meet and discuss in conciliatory fashion the conditions of the labor they best understand.

Mr. Cunningham says ("Politics and Economics", p. 145):

"But if public opinion holds that the employers in a certain industry overwork their hands, there is a strong case for enforcing a restriction to such hours as public opinion deems fair. Nor need we discuss whether other persons are more oppressed or not; if the public believes that this class is oppressed, and that from the

conditions of labor it is possible to draw an enactment which shall remedy the oppression, the existence of greater hardships in some other department is no real argument against it."

There is a great deal in an "if"; but how is the judgment of public opinion to be ascertained by the Legislature? How is it to be known if the public opinion is well-informed? Are the employers and employed to be heard as witnesses on the subject before legislation is adopted? And why should the "public belief" be conclusive? If evidence be contrary to the expressed belief, what then? Sometimes, too, the expression of public belief is not a complete index to the actual belief of the majority of the public. The public belief in the Claimant was at one time, at least, as strongly expressed as any other public belief in this country; but this, it is now clear, would scarcely have warranted a statutory declaration in favor of his claims. The "public belief" even formally expressed by monster petitions to the House of Commons, is not always conclusive. Public opinion may, temporarily at any rate, be adroitly manipulated.

CHAPTER III.

WHAT HAS BEEN DONE BY LEGISLATION IN FOREIGN COUNTRIES, AND THE RESULTS.

As many conflicting statements had been made as to the laws affecting the hours of adult labor in foreign countries, and the result of such legislation, on May 16, 1889, I moved, and with the assent of the Government carried, an address for a return "showing the laws enacted affecting the hours of adult labor in Europe, and in the United States of America, with the actual hours now worked in the several countries, and such information as is attainable as to the enforcement or otherwise of such laws". The return, C 5866, gives reports from her Majesty's representatives in twenty-four countries of Europe, and also in the United States of America. In Austria, a law of June 21, 1884, enacts that in mines the duration of a shift is not to exceed twelve hours, and the actual working time during the same, ten hours. There is power for the Minister of Agriculture to make exception for mines in the High Alps, provided the working hours do not exceed sixty actual working hours per week, and in cases of extraordinary character or pressing necessity, there is further power to allow a limited prolongation of the shift. In the case of factory workers, by the law of March 8, 1885, the hours of labor are limited to eleven out of twenty-four, exclusive of the periods of rest. In various industries the hours of

working have been extended by ministerial ordinance. Thus in spinning mills twelve hours work is permitted; in silk manufactories thirteen hours; and in certain other works, twelve hour shifts; women are not to be employed in night work, nor for four weeks after confinement; but the report of the Inspector of Industries for 1888, states that this restriction as to women is very generally infringed and is difficult to enforce. The limit as to factories and mines is strictly observed, but by ministerial ordinance twelve hours is permitted in spinning mills, and thirteen hours in silk manufactories. In Hungary there is no limit to the hours of adult labor, except that the day must not begin before 5 A.M., or continue after 9 P.M., but in factories where the work goes on at night, the owner is obliged to arrange relief for the night hands. The shortest hours worked in Hungary are in the tobacco factories, and vary from eight to ten hours per day, exclusive of two hours prescribed for rest. The next class includes those factories where the day's work lasts ten, ten and a-half, and eleven hours. In mills, paper manufactories, blast furnaces, foundries, brick and porcelain kilns, the hours of labor are twelve for each shift. The change of shifts for those working one week by night work and the next week by day is usually managed by the men working consecutively for twenty-four hours. The longest hours are in glass factories, viz., from twelve to fifteen, but there are hours of rest between shifts, and the period of actual work does not generally exceed seventy hours per week. Twenty-five per cent of the manufactories supplied with machinery for continuous work, that is two hundred and thirty-seven establishments, work on Sundays. In France it was decreed on September 9, 1848, that "the working man's day in manufactories and mills shall not exceed twelve hours of

effective labor"; but on May 17, 1851, a decree was issued declaring that the

"limit of twelve hours established for the working day of men and women in factories shall not apply to stokers, firemen, or watchmen in factories, to men in charge of furnaces, drying stoves, or boilers, to persons employed in sponging (*décatissage*), or in the manufacture of glue, or in soap boiling, milling, printing, and lithographing, or in casting, refining, tinning, and galvanising metals, or making projectiles of war.

"Similar exceptions are extended to the cleaning of machinery after working hours, or to any action required to be taken in case of accidents to motors, boilers, machinery, or buildings, or, in general, in case of any accidents whatsoever.

"In respect of certain occupations, an additional hour is conceded to persons paid to wash and stretch stuffs in dyeing and bleaching works, or in manufactures of indienne (gauze).

"Two additional hours are granted in sugar mills and refineries and chemical works.

"A similar privilege to men in dyeing, or printing, or sizing, or pressing works is conceded, on the express understanding that the hours in excess of twelve shall only be allowed during one hundred and twenty days a year, and only if application has been previously made and granted, on the intercession of a Mayor, by the Departmental Prefect.

"A decree of the 31st January, 1866, gives an additional hour to workmen in silk spinneries, confining the privilege to sixty days within the four months of May, June, July, aud August.

"On the 25th November, 1885, a circular was issued by the Government communicating an exact definition of the works to which the Law of 1848 should apply. It was laid down that the limit of twelve hours of work per diem was not to be imposed where power was used by hand, but confined to such manufactures and mills only as were moved by machinery by day or machinery in motion day and night without extinction of fires. No workshops (*ateliers*) were to come under the clauses of the Act that did not employ more than twenty hands in any one shed.

"A decree of the 3rd April, 1889, exempts from the observance of the Law of 1848 laborers employed on any works executed by order of the Government in the interest of the national safety and defence."

Even with strict inspection it has been found that the law

is powerless, "except where the men themselves report the breach of it". This initiative by the workmen is rare, and the law is stated to be constantly evaded. Mr. J. A. Crowe reports that "As a rule, it may be said Frenchmen in factories are present at least fourteen hours out of every twenty-four in the shops. On the other hand, there is nothing to prevent manufacturers from working short time if they like."

M. Louis Blanc, in a letter to the Social Science Committee (1860), page 590, states "that the first demand urged by the working men of Paris, the day after the Revolution of 1848, was the shortening of the hours of labor. A general meeting, summoned by myself, was held at the Luxembourg. The question, having been brought under the consideration both of the employers and the workmen, was calmly discussed: and the majority of employers having yielded of their own accord to the workmen's request, the consequence was the issue by the Provisional Government of a decree shortening the hours of labor from eleven to ten in Paris, and from twelve to eleven in the Provinces. This decree was issued on March 2nd, 1848, but was abrogated as soon as the reactionists got the upper hand, that is, in September, 1848, when it was enacted that the day's work in factories should not exceed twelve hours, which was a milder form of expressing that it could last twelve hours."

The *Economiste Français* (quoted *Board of Trade Journal*, December, 1890, p. 687) says:—

"A Parliamentary Commission was some time ago appointed in France to examine questions relating to the regulation of labor. This inquiry, carried out by means of questions addressed to all workmen, has been confined to Paris and the department of the Seine. The Commission has up to the present received 24,043 replies emanating from different workmen or from workmen's unions.

"Statistics have been drawn up from these replies for four groups of Parisian industries representing 9,116 workmen, distributed in each branch of industry as follows:—

"Metallurgy, 2,946; building trades, 3,222; wood industry, 1,606; clothing, etc., 1,342.

"The most important replies for the present purpose are those which deal with the limitation of the working day, the present method of payment, and the present duration of the working day.

"In reply to the question as to whether the length of the working day should be fixed by law, 6,715, or 74·4 per cent, are in the affirmative, and 2,331, or 25·6 per cent, negative.

"The 6,715 workmen in favor of limitation by law are distributed according to the duration claimed by them as follows:—

"Day of eight hours, 2,734; day of eight hours with overtime, 685; nine hours, 683; ten hours, 2,585; eleven hours, 49; twelve hours and more, 49.

"If, instead of taking the 6,715 in favor of limitation by law, the whole of the 9,116 workmen who have replied to the questions are taken into account, the following figures are arrived at:—

"Hostile to any limitation by law, 2,331, or 25·6 per cent; in favor of eight hours without overtime, 2,734, or 30 per cent; eight hours with overtime, 685, or 7·5 per cent; nine, ten, eleven, or twelve hours with overtime, 800, or 8·8 per cent.

"The 9,116 workmen consulted on the subject of the present duration of the working day are divided as follows:—

"118, or 1·3 per cent, work eight hours; 547, or six per cent, work nine hours; 5,798, or 64·3 per cent, work ten hours; 1,625, or 18 per cent, work eleven hours; 924, or 10·2 per cent, work twelve hours and more.

"As regards mode of payment the following figures are given:—

"Paid by the hour, 5,147, or 56·5 per cent; by the day, 1,731, or 19 per cent; by piecework, 2,058, or 22·6 per cent; by the month, 158, or 1·7 per cent.

"With regard to idle periods, the 9,116 workmen are thus distributed:—

"Having no unemployed periods, 1,630, or 17·9 per cent.

"Having an idle period of two months and under, 1,340, or 14·7 per cent.

"Of three months, 2,221, or 24·3 per cent.

"Of four months, 1,813, or 20 per cent.

"Of five months and more, 1,572, or 17·2 per cent.

"With respect to weekly rest, the following proportions are found:—

"Having regularly a day of rest per week, 5,153, or 57 per cent.

"Not having regularly a day of rest per week, 2,308, or 25·5 per cent.

"Not having a day regularly, but a half-day, 1,572, or 17·4 per cent.

"Builders' workmen form the majority of the two latter categories, but they have also the longest slack season.

"As regards the consultation of the workmen's unions on the subject of the limitation by law of the working day, it is stated that of the 171 unions which have replied, 154 are in favor of limitation, 15 against, and 2 not pronounced.

"The 154 unions in favor of limitation are classed as follows:—

"Day of eight hours without overtime, 82; with overtime, 22.

"Day of nine hours without overtime, 3; with overtime, 3.

"Day of ten hours without overtime, 21; with overtime, 17.

"Six give no opinion on this point.

"The Commission intends to extend the same statistical enquiries to all the industries of Paris, and afterwards to those of the province."

It is stated in the *Times* of January 15th that the Commission met, and received the replies to its circulars. Fifty-four out of sixty-four Chambers of Commerce condemn any legislation on hours of labor, as also do twenty-five out of thirty-two consultative chambers, fifty-five out of ninety-five *conseils de prud'hommes*, 201 out of 235 employers' unions, and ten out of twelve mixed unions. Of 410 workmen's unions, thirty-eight are against legislation, 186 advocate eight hours without overtime, forty-eight eight hours with overtime, thirteen nine hours with or without overtime, and forty-three ten hours.

In Switzerland, by article 11, Federal Factory Law, 1877, "the duration of a normal working day must not exceed eleven hours, and on Saturdays and public holidays it shall be reduced to ten hours". This does not apply to men or married women above eighteen in "accessory works which ought to precede or follow the labor of manufacture". Night-work is

only permissible as an exception, and with full consent of the workmen. "Regular night-work may, however, take place in such branches of manufacture as by their nature require uninterrupted work."

It is, however, in the United States that we get the most numerous State laws affecting adult labor. The New York Act, 1870, makes eight hours a legal day's work for all except farm laborers or domestics, but overwork for extra compensation is permitted. The official report of the Bureau of Labor, 1885, showed that this law had been practically disregarded, except in those trades where a strong union existed, and such organizations did not need the law. Act, 1886, makes it a misdeanour, in a city of over 500,000 inhabitants, to employ any one on tramways or elevated railways for more than twelve consecutive hours, with one half hour for dinner; and by Act, 1887, this was reduced to ten hours in cities of 100,000 and over. In nearly all trades in New York State, the employees work nine hours per day except on Saturday, when eight hours is the rule. In New Jersey the only Act affecting the hours of adult labor is one of 1887, limiting the hours of railroad and tramway servants to twelve consecutive hours. A large proportion of those engaged in industrial occupations work over sixty hours per week; those in the building and some other trades fifty-four or fifty three hours per week. Rhode Island has one statute, declaring ten hours a legal day's work. Connecticut has one Act, making eight hours a lawful day's work "unless otherwise agreed"; but the State Commissioner of Labor Statistics reports that with but very few exceptions the work is ten hours per day.

"In many factories the employees work more than ten hours for five days, and make a shorter day of Saturday, to bring the hours of the week to sixty. The exceptions to sixty hours per week are in industries like paper manufactories, where the machinery runs con-

tinuously day and night, and two sets of hands are employed, each set working twelve hours."

In Maryland in 1872 a ten hours day was enacted for workmen in the State tobacco warehouses; in 1886 a ten hours day was enacted for miners, and a twelve hours day for street-car and horse-railway drivers. There was an eight hours movement organised in 1886, which may be said to have been a failure, except that in some trades there was a reduction to nine hours per day, ten hours being the ordinary actual working day. Pennsylvania has a law declaring eight hours a legal day, but permitting overtime. Most trades work more than the eight hours. In the State of Michigan it is enacted that all work beyond ten hours per day shall be paid for as overtime. Indiana, on March 6, 1889, enacted an eight hours day, but permitted overtime. Georgia in 1885 enacted that the working day should be from sunrise to sunset, with allowance for meals. In Maine the law makes ten hours the legal working day, "unless the contract stipulates for a longer time". Florida in 1874 enacted ten hours of labor as a legal day's work, provided there was no written contract for a less or greater number of hours, and without such written contract work in excess of ten hours was to be paid for as overtime. California has an eight hours limit for a day's work, unless it is otherwise expressly stipulated, and a specific limit for eight hours as a legal day in State works; but this is "nearly invariably evaded by employing the men engaged on State works by the hour, and paying at so much per hour". The organised trades work chiefly nine and ten hours by time work or piecework; the unorganised twelve hours or longer.

Under the Revised Statutes of the United States, 2nd edition, 1878, cap. 43, section 3738, laborers employed on

Government works, in navy yards, etc., are restricted to eight hours a day.

The following, from the 1889 Report of the Massachusetts Bureau of Statistics of Labor, is the more pregnant with meaning when it is borne in mind that the State of Massachusetts was the first to undertake to legislate in regulation of the hours of adult labor.

"The predominant question of interest to manual workers is, at present, the shortening of the working day. Legislation in this direction, whether it be expedient or not, is persistently asked for both in this country and abroad; and, either through legislation or without it, the tendency seems to be toward shorter working time in the near future.

"Legislation in the United States upon such matters frequently originates in a single State, and is gradually extended to others. This was the case with the ten hours law in Massachusetts. But legislation, while confined to a single State, may work great injury to industrial enterprises which must meet competition arising in other States wherein different conditions prevail. In such cases it is not capital alone, nor chiefly, that suffers. The mobility of capital is to-day in excess of the mobility of labor. If diverted from Massachusetts it may find ready employment in the South and West. In many of our industries competition within the so-called home market is severely felt, and Massachusetts capital is even now going elsewhere. The interests of both capital and labor lie in maintaining our industrial position, and therefore it happens that, aside from theories as to whether or not this subject is properly within the province of legislation, the matter is surrounded with difficulties."

For all industries in Massachusetts the average longest time for male adults is 10·39 hours per day, and the average shortest time 9·15 hours per day. There are only two small industries in which the average shortest time is below nine hours per day. Ten hours per day is the length of the normal working day for adult males in 82·06 per cent of all manufacturing and mechanical industries in the State.

That the laws in the United States limiting hours of labor

have achieved very little, is shown by the introductory remarks on the hours of labor in Vol. XX of the tenth Census of the United States of America.

The United States Census reporter, giving the percentages of hours worked for the quinquennial period, from 1830 to 1880, adds :—

"The small percentage reported under the eight-hour period will be noticed. Notwithstanding the agitation in favor of eight hours as a day's work, the percentage of the total number reporting this as the period of daily labor in 1880 is even less, by a small fraction, than in 1830. This does not indicate that the hours of labor have not decreased since 1830. Indeed, the table shows the contrary, there having been a marked increase in the ten-hour period, and a marked decrease in the twelve to thirteen and thirteen to fourteen-hour periods between 1830 and 1880, as will be seen by the following tabulation of the percentages of the different hours of labor for the years 1830 and 1880:—

HOURS OF LABOR.	PERCENTAGE IN 1830.	PERCENTAGE IN 1880.
8 to 9	5·4	5·1
9 to 10	13·5	8·8
10 to 11	29·7	56·6
11 to 12	5·4	9·6
12 to 13	32·5	14·6
13 to 14	13·5	2·3

"The number reporting the hours of labor as ten to eleven increased from 29·7 per cent in 1830 to 59·6 per cent in 1880, more than double, while those reporting twelve to thirteen decreased from 32·5 per cent to 14·6 per cent, and those reporting thirteen to fourteen decreased from 13·5 per cent to 2·3 per cent."

By the third annual report of the New York Bureau of Statistics of Labor for the year 1885, it is pretty clear that the trades in which the eight hours limit is observed are few, and only those in which strong Unions exist, and the Chief Commissioner reports: "The conditions of trade are such that it is almost fruitless to attempt to adopt short hours in one State,

and neglect to do so in others". Witness after witness, according to this report, showed that the mere eight hours' law was of little avail. Henry Emrich, cabinetmaker, said: "An eight hours law will only be of any effect through the action of the organisations themselves," and he added: "The only way to secure short hours is by combination in a particular trade where it is desired". A witness, an engineer, testified: "The State of Massachusetts passed a ten hours law; and we know that work was driven out of Massachusetts into Rhode Island". This witness, who was in favor of a compulsory eight hours law throughout the United States, was also in favor of the State feeding his family, "if the pay for eight hours was insufficient to maintain them". W. McClelland, in favor of short hours, said: "When our union is strong enough we can bring these things into practice ourselves", and he added: "Here is the eight hours law, and you will find letter-carriers working ten and eleven hours; what is the use of it?" A moulder testified: "We have got too many laws for the working man, but they are like the statuary in Central Park —dead". "I have more faith in labor organisation than I have in law." A harness-maker testified "that the Union had shortened the hours of labor without legislation", but the men worked ten hours a day, despite that the eight hours law had existed fifteen years. Another witness, a brass-worker, testified strongly in favor of an eight hours law, but said: "I do not think it could be enforced, but I think the moral influence of such a law, and the enforcing it on the State workers, would influence the others by the force of example". Edward Conkling, a painter, testified "that the reduction of hours could be better brought about by organisation than legislation", adding: "The stonecutters have

proved that; President Grant said that it was impossible to enforce the eight hours law;" the stonecutters enforced it by their organisation. Edward Farrell, plumber, testified that in his judgment organised labor would more certainly bring about the reduction of hours than the passage of any law by the Legislature.

John A. Kavanagh, printer, testified: "I would make eight hours a legal day's work, but if a man wants to work fifteen hours a day I wouldn't prevent him from doing it if he wanted to.

Q. In your judgment can a reduction of the hours of labor be better secured by legislation or by organisation of labor?

A. By organisation of labor.

Q. You think that would be the best way to accomplish it?

A. I think that is the only way to accomplish it; I don't think it can be done by legislation."

Hermann Gutstadt, cigar maker, testified:—

Q. "Do you think the hours of labor can be shortened by legislation?

A. I do not; not effectively. I believe that the hours of labor can only be effectively regulated by labor organisations. The State is nearly powerless. For instance, we have an eight hours law on the statute-book never enforced.

Q. You don't think it would be advisable to recommend more legislation on that subject?

A. I do not think it would be of any use to place a law upon the statute-book which cannot very well be enforced by the State."

In the Report of the same New York Bureau for 1886 the Hon. C. F. Peck, the Commissioner, says (p. 655): "Both in

the District of Columbia and in this State the working day of labor has been fixed at eight hours, which is applied to Government and State works, and is affirmed by some persons to be the legal length of a working day where no hours are stipulated, though this may be very well questioned if a distinct and well-understood trade usage can be shown to exist and to be within the cognizance of both parties. The reduction of the hours of labor to limits consistent with honest work and self-improvement has passed into an accepted proposition, the only question being where to draw the line. . . . . The greatest difficulty in its (an eight hours day's) way is the continuous profitable use of machinery. Every hour's stoppage of machinery is not merely a loss to the investor of capital, but also a loss of product to the community. Suggestions have been made, more or less practicable, for overcoming this objection. For present purposes, however, and in the existing state of public opinion, we may consider 'eight hours' as put on one side until a more advanced stage, the term 'short hours' being adopted in its place." Speaking of the May Day demonstration in the City of New York in favor of eight hours, the Hon. Mr. Peck reports (p. 658): "The trades were dealt with in detail; the several employers met their employees and reasoned over the matter. The state and condition of the several trades were discussed, reasons were rendered for and against change, and satisfactory adjustments were made either by compromise or by showing that change was inexpedient, if not impossible. It was to the honor and credit of the reformers that many of them in demanding eight hours were willing to accept a reduction of wages. They were contending for a principle. But when they realised that the time was not ripe for the change, they settled, some on old time and old pay,

some to old time with an advance, many to nine hours and old pay. There was no system in the general return to work, each trade acting for itself. The workers had the good sense to see that the day had not arrived for such a sweeping change, and that the vast variety of interests involved in the relations of the trades and callings of a whole community could not be equalised and harmonised suddenly. It must take place by an evolution, not by a single impulsive act. The eight hours day theory is not abandoned; it is only relegated to the perhaps not distant future."

"The bakers," Mr. Peck reports, "may be mentioned as a striking instance of specific reforms effected. They have been successful in obtaining a great reconstruction. Their hours, ranging from fourteen to the whole twenty-four, have been reduced to from ten to fourteen, the long hours being, in some cases, an exigency of the trade."

The Fifth Annual Report of the New York Labour Bureau, 1887, contains the following passage, significant in face of the fact that the eight hours law had been on the statute-book for seventeen years:—

"Strikes for the regulation of hours of labor during the past year have not been as frequent as formerly. The collapse of the nine-hour movement in May, 1885, seems to have had a deterring effect upon the movement, and the attempts to reduce hours of labor during the past year were confined to special industries, such as waiters and bakers, with a few others. The half-holiday movement seems to have received its strength from a tacit understanding on the part of the employers, who were willing to adapt themselves to a changed condition of affairs."

In Wisconsin, Section 1,729, Revised Statutes, enacts that:—

"In all engagements to labor in any manufacturing or mechanical business, where there is no express contract to the contrary, a day's work shall consist of eight hours, and all engagements or contracts for

labor in such cases shall be so construed, but this shall not apply to any contract for labor by the week, month, or year."

Federal legislation on an eight hours basis dates back to June 25th, 1868, so far as Government works are concerned. In the Fourth Biennial Report of the Illinois Labour Bureau, the Hon. J. S. Lord, in his able statement of the progress of the eight hours movement, remarks:—

"May 19th, 1869, and again May 11th, 1872, President Grant issued proclamations calling attention to the provisions of this law and directing that no reduction should be made in the pay on account of the reduction in the hours of labor of those coming within the purview of the Act. Subsequently, May 18th, 1872, Congress passed an Act securing to all workmen, laborers, and mechanics in the employ of the Government between June 25th, 1868, and May 19th, 1869, full pay on a basis of a regular day of eight hours, the period covered being that between the passage of the Act and the date of President Grant's first proclamation on the subject. Notwithstanding the obvious intent of Congress to comply with the wishes expressed in the petitions of those who urged the passage of this law, the heads of departments held that in failing to repeal an Act of July 16th, 1862, requiring the wages of employees in the navy yards to conform to those in private establishments, Congress had merely established the length of a day's work for the Government, and that they were bound to pay *pro rata* the same wages as those paid in private employment. This view was sustained both by Attorney-General Evarts and Attorney-General Hoar, so that the effect of the law has been simply to reduce the earning opportunity of the Government employee by 20 per cent."

The following countries have no laws affecting the hours of adult labor—viz., Bavaria and Belgium (where there is a proposal to limit to twelve hours the working day for women). In 1886 the Labor Commission of Belgium reported:

"With regard to the limitation of the hours of adult male labor, the Commission disapprove generally of the intervention of the Legislature, on the ground that any such action would infringe the existing freedom of work; exceptionally, however, as in the case of unhealthy trades, the law can and ought to protect the life and health of the work people."

Mr. Martin Gosselin, of the British Legation, reports:

"The evidence given before the Royal Commission on Labor shows that there is a great difference as to the hours of labor exacted in the different trades and callings. In the mining districts the average day's labor is twelve hours, but women are often employed thirteen and even fourteen hours at loading trucks and other similar heavy work. At Dour it was stated in evidence that women and girls went down into the mine at 5 a.m., and only came up at 9 and sometimes as late as 11 o'clock at night; the Director, who admitted the truth of this assertion, declared that the mine in question was quite an exceptional case. The workings lying very deep, it was necessary to make a long stay underground; but the hands were not working all these seventeen hours, and a liberal time was given below ground for meals and rest.

"At Ghent the day's labor is generally of twelve hours' duration, with no night or Sunday work; but the dock laborers complained of being sometimes kept two nights consecutively out of bed. The cabinet-makers, both at Ghent and Brussels, asserted that they have often to work seventeen hours a day.

"It came out in evidence that railway guards are sometimes on duty for fifteen and even nineteen and a-half hours at a stretch; and the Brussels tramway drivers are at work from fifteen to seventeen hours daily, with a rest of only one and a-half hours at noon. The brewers appear to be a hard-worked trade, their time varying from ten to seventeen hours a day, and often half-a-day on Sundays. Brickmakers work during the summer months sixteen hours a day.

"In the sugar refineries the average hours are from twelve to thirteen for men, and from nine to ten for women.

"In the Campine district the summer hours are from twelve to thirteen a day, in winter not more than eight.

"The cases enumerated above have been selected from the more hardly-worked trades; as a rule, I should be inclined to give eleven hours as the average day's labor in the majority of trades in Belgium."

In Denmark, Germany, Greece, Hesse Darmstadt, and the Duchy of Baden, the medium duration of labor is from ten to twelve hours; and where the work is continuous the hours of each shift are from ten to eleven and a half. The United

States Agent at Cologne reports (*Board of Trade Journal*, November, 1890, p. 568):—

"The duration of an average shift in the Upper Silesian coal mines is eight hours for 10 per cent of the workmen, ten hours for 33 per cent of the workmen, and twelve hours by the remaining 57 per cent, including the pit descent and ascent; in the Lower Silesian coal mines, eight hours for 12 per cent of the workmen, and ten hours by 88 per cent, including the pit ascent and descent. In the district of Dortmund, eight hours for all the workmen, but not including the pit descent and ascent; in the Saarbrucken district (Government mines) eight hours for all the workmen, not including the pit descent and ascent; in Aachen district, nine and a-half hours by all the workmen, including the pit ascent and descent."

Although the differences are not great, it is right to point out that, according to the official *Mining Gazette*, published by the Prussian Board of Trade, the durations of the shifts were:

"Upper Silesian coal mines—11 per cent of the workers, 8 hours; 37 per cent, 10 hours; 52 per cent, 12 hours. Inclusive of the time required for the entry into and the going out of the pit.

"Lower Silesian coal mines—10 per cent of the workers, 8 hours; 90 per cent, 10 hours. Halle brown coal mines, 11½ hours; Halle copper mines, 9 hours; Halle salt mines, 8⅔ hours; Harz iron ore mines, 10⅓ hours; Westphalian coal mines, 8 hours; Saarbrucken coal mines, 8 hours. Exclusive of the time required for the entry into and getting out of the pit.

"Aachen coal mines, 9⅗ hours, inclusive of entry and getting out of the pit.

"Rhenish iron ore mines, 8⅓, 8⅘, and 9⅓ hours.

"The duration of the shifts for workers above ground was, in general, between ten and twelve hours, inclusive of the usual pauses."

In Italy, Montenegro, the Netherlands, and Portugal, the general rule is to work from sunrise to sunset, modified in some trades so as to be, summer, 6 a.m. to 7 p.m., winter, 7.30 a.m. to 5 p.m. In the building trade and in field labor the hours in summer are from 4.30 or 5 a.m. to 7 p.m., from two to three hours' rest being allowed in the middle of the day; and from

7.30 a.m. to 5 p.m. in winter, with a shorter interval of rest. In the report of the Consul-General for Italy on the Industries of the province of Florence (C—6206), it is stated that

"the daily hours of labor in the principal factories are usually ten net, though in some cases they may be eleven. Work is not as a rule carried on on Sundays. In the railway workshops work, in summer, commences at 6 a.m., lasting till 11 a.m., and is resumed at 1 p.m. till 6 p.m. In winter the hours are from 7 a.m. till noon, and from 1.30 to 6.30 p.m." "It often happens," the Report continues, "that the daily wages are fixed at low rates, but the hands are able to earn more, working at so much per hour or by piece-work, on the basis of the fixed rates of pay."

In Roumania and Russia the hours vary considerably in different industries. In Saxe-Coburg Gotha and Saxony the normal work day is from 6 a.m. to 7 p.m., or deducting meal intervals, eleven hours of actual work.

The Dresden curtain mills work continuously (pauses excepted) through the twenty-four hours, thus: first gang, 7 to 12 a.m.; second gang, 1 to 6 p.m.; first gang again, 7 to 12 p.m.; second gang again, 1 to 6 a.m. Here, then, the effective work period is ten hours. Night shifts also occur in the State mining works, in paper mills, printing establishments, and glass works.

Lord Vaux of Harrowden, in his most interesting and valuable report on the Industrial condition of Wurtemberg, dated August 6th, 1890 (C. 6205-20), founded chiefly on the report of Herr Von Diefenbach, inspector of factories, says—

"The principal endeavors and aims of the working classes at present are undoubtedly being directed towards shortening the hours of labor, and very often towards increasing the wages at the same time. The employers, however, point to the fact that wages in Wurtemberg are considerably higher than they are in North Germany, where the lower price of coal also gives the manufacturers a great advantage over their southern competitors.

"Herr von Diefenbach remarks in this connexion that, having for

many years been convinced that the reduction of the hours of labor in textile factories, to a maximum of eleven a day, would be an immense benefit to the workpeople, he addressed a circular in this sense to the manufacturers last summer. He dwelt in this circular particularly on the fact that in England, as a rule, only fifty-six hours' work were required in the week, whereas his proposal would still allow sixty-six in Wurtemberg, and also to the fact that it had heen repeatedly found in factories where the shorter hours had been introduced that nearly as much work, and of a better quality, was done in eleven hours as in twelve hours or more. He was convinced that, with a fair trial, manufacturers would find that they really incurred no loss whatever from the change.

"The results of the circular on the whole were satisfactory. A very great number of factories ceased to work more than eleven hours a day. A certain number replied that already they only worked eleven, and, in a few cases, ten hours a day. A few objected to the reduction on the ground that it ought to be accompanied by a corresponding reduction in wages, to which the workpeople would not consent; while a certain number of industries, such as silk spinners and weavers, and some linen and cotton factories, answered, either that they had so many orders on hand that a reduction of the hours at the present moment would entail a considerable increase in the amount of wages paid for overtime, or else that the Belgian and Italian competition, in which countries it was asserted that yet longer hours were usual in these industries, made it impossible for them to reduce their hours of work.

"The agitation for the fixing of a minimum wage has, as a rule, originated with the less competent or less industrious hands. These people are apparently unable to realise the fact that they generally make their position worse instead of better under this system. This has recently been found to be the case in Stuttgart, both by the printers, who for some time have had a minimum wage fixed, and now also by the bookbinders. They find that the men who have the greatest difficulty in obtaining regular employment now are the weak and less competent hands, the very men who clamored most to have a minimum wage fixed. When the trades are fully occupied they perhaps receive a little more pay; but naturally enough, when trade is slack, the employers will only take on the most competent men."

Servia, Spain, Sweden, Turkey, and, in the United States of America, the States of Delaware, Virginia, Ohio, North and South Carolina, Tennessee, Vermont, Texas, Arkansas, Louisiana, Mississippi, Nevada, Oregon, and the territories of

Washington, Idaho, Utah, and Arizona have no legislation affecting the hours of adult labour.

We have no official information as to the Australian colonies. The Agent-General for Victoria, Sir Graham Berry, wrote (*Fortnightly Review*, March 1890, p. 454):

"In Victoria, where eight hours is the measure of a day's toil with a very large majority of the trades, it has been established by the exertions and organisation of the men themselves, assisted by intelligent and earnest leaders, and aided no doubt by the favorable position labor occupies in that colony. In certain measures recently passed dealing with national railways and private tramways, Parliament has inserted certain conditions amounting to a recognition of the custom. Eight hours is now considered the charter of the organised trades, and is not likely to be interfered with. In fact, I doubt if the slightest wish exists in the minds of employers to do so. It is scarcely necessary for me to say that it has proved a great boon to the many, without in any way injuring any. I may add, it is the opinion of many well able to judge, that as much work is done in the reduced time as before, and that the quality of it is better.

"The chief reason why legislative sanction is not more energetically sought is the conviction that it is scarcely needed. The principle has twice been endorsed in the Assembly; but the Bill based upon it was lost in the Council."

The Agent-General for South Australia, Sir Arthur Blyth, wrote:—

"There is an annual celebration in South Australia of the day when the eight-hours system came into vogue. And last Session a Bill was introduced into the local Parliament to give legal effect to the practice. This Bill did not become law, because of the early prorogation. I enclose you a copy of it, as it was introduced.

"'HOUSE OF ASSEMBLY.]

"'[*As laid on the table, read a first time, and ordered to be printed, August 8th*, 1889.]

"'1889.

.....*No.* 19.

"'A BILL for an Act to define the proper duration of a Day's Labor. [ ]

"'WHEREAS it is desirable for the general welfare of the community

that the hours of daily labor should be such that workmen may have a reasonable time at their own disposal for recreation, mental culture, and the performance of social and civil duties: And whereas it would be conducive to this end to declare by law the proper duration of a day's labor—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

"'1. This Act may be cited as "The Eight Hours Act of 1889".

"'2. In this Act the term "workman" means any person employed in manual labor, which term includes the work done by mechanics, handicraftsmen, artisans, journeymen, miners, engineers, firemen, railway servants, sailors, and other persons employed in ships or vessels when in port, and all other persons working with their hands at any kind of work except as herein expressly excepted, but does not include the work of sailors when the ship or vessel is under weigh, or on a voyage, or the work of domestic servants, or the work of persons employed in ships or vessels to do similar work to that of domestic servants: The term "employer" includes any agent or servant of an employer who is entrusted with the duty of supervision or of engaging or discharging servants.

"'3. Whenever in any contract of hiring, whether verbal or in writing, reference is made to a day's labor, or it is stipulated that the rate of payment for labor shall be calculated at a fixed price for a day's labor, or calculated by reference to a day's labor, such day's labor shall be taken to be labor for eight hours, and shall also, unless otherwise expressed, be taken to be labor between the hours of seven in the morning and six in the evening.

"'4. Whenever in any contract of hiring, provision is intended to be made for the work of any workman being continued for more than eight hours in any one day, it shall be necessary that a special stipulation be made with regard thereto, and that a special rate of payment for all time beyond the first eight hours be fixed by contract.

"'5. Except in case of a contract made as prescribed by the last preceding section, and then only in accordance with its provisions, it shall not be lawful for any employer to require any workman to work without his own consent for more than eight hours in any one day; and, except as aforesaid, no employer shall dismiss a workman by reason of his refusal to work for a longer period than eight hours in any one day. Any employer who offends against the provisions of this section shall be liable to a penalty of Five Pounds.'"

The Agent-General for New South Wales, Sir Saul Samuel, wrote:—

"that there is, at present, no law in the Colony regulating the hours of labor, but the eight hours as a day's work has been established by custom. It was first introduced in private establishments by pressure of the working-classes, and subsequently it was adopted by the Government in their railway and other workshops. It is gradually spreading, and so far as I am able to say, is working satisfactorily. In a number of instances overtime is allowed and paid for. Workmen, too, are in many instances paid by the hour, and not by the day."

Sir Charles Dilke, in his "Problems of Greater Britain," vol. ii, p. 285, states that in the Australasian colonies, the eight hours day is all but universal. It is clear, however, there are some exceptions. On June 6th, 1890, a statement was published in the *Adelaide Express*, by the delegate of the Sydney Wharf Labourers' Union, from which it appeared that their fixed hours are fifty-six per week, and that even after these hours they voluntarily work overtime; and in the *Reporter* of June 20th, 1890, there is a leading article complaining that men and women are engaged in the tailoring work "from early morn till dewy eve". Bearing on this point, it should be observed that the Bill quoted by Sir A. Blyth, introduced into the South Australian Assembly, proposed to enact that a longer period than eight hours, or overtime, might be worked if mutually agreed between employer and employed. In New South Wales, where the eight hours a day is customary, overtime is allowed and paid for, and the workman is frequently engaged and paid by the hour, and not by the day. But in no case would Australasian eight-hour customs, even if invariable, be conclusive. The local circumstances differ so much from those at home. In Australia the laboring population is very limited in number; assisted immigration of poor workers is dis-

couraged; protective duties prevail; and there is little or no export of manufactured goods. To this it may be added that, the prices of all manufactured products being very high, the nominal wage must be measured by its purchasing power. At home, on the contrary, we have an over-abundant labour supply; industries must protect themselves by offering superior inducements to consumers, and our export trade is the chief reliance for the consumption of our industrial products.

CHAPTER IV.

HOURS OF LABOR.

I AM in favor of the shortest possible hours of labor being worked in each industry. The measure of possibility is the profitable conduct of the industry. The shortest number of hours possible in any industry ought to be known to, and in any case should be most easily ascertainable by, the employers and employed engaged in such industry. If co-operative productive undertakings existed in every branch of industry, then the workpeople would have in their own hands the means of ascertaining the shortest number of hours during which it was necessary to carry on an establishment and yet secure a profit. Even lacking such co-operative production, the respective hours of labor in each industry should be settled in conciliatory conference between the representatives of the employers and of the employed. Those specially engaged in an industry have knowledge as to the character of the employment, which Parliament does not possess, and which can only be ascertained by searching and exhaustive inquiry. An industry is profitably conducted when the realised produce recoups (1) the cost of raw material, (2) wage and other working expenses, (3) when it provides for the deterioration of fixed capital, and (4) furnishes a surplus sufficient to attract capital and energy to such a business. The surplus sufficient to attract will vary with the ascertained risk of the undertaking. Unless

a higher rate of profit can be reasonably expected to be secured by the capitalist employing his capital in a given industry, subject to the risks of that industry, than can be obtained for the same capital, almost without risk, by investment in Government or equivalent securities, it is certain that the fear of possible loss will deter investors. As against the ordinary risks of industrial enterprise, the reasonable hope of a larger profit than can be got from Consols is required to induce investment. The more risky the character of the industry, the higher the rate of profit which will be looked for. Anything which tends to render commensurate profit highly improbable will make capitalists hesitate. If legislation should ever render profit impossible in any manufacture, those having capital already engaged would, so far as possible, withdraw the movable capital, and abandon fixed capital, by stopping the works. Ordinary industrial experience amply proves that, whenever changed conditions have demonstrated similar permanent consequences, the possessors of capital have always so acted. That is, if an industry cannot be conducted profitably in any locality, it will not be conducted there at all. It is of course true that the capitalist will, and does, face temporary loss in the hope of larger permanent profit, and that where large capital is engaged in a business, it may be often carried on without profit for a considerable period, in the hope of better times. But once let the capitalist be satisfied that profit can never be realised, and he certainly will neither embark in the venture nor continue therein any capital he can withdraw. Workmen with capital are especially sensitive and hesitant as to employing their savings at their own risk in industries which they understand. This is

shown in the slowness with which they engage in co-operative production, or even participate in profit-sharing enterprises. The great organisations of working men prefer small, safe interest for their accumulated funds, to the enormous profits which, it was suggested by Lord Randolph Churchill, from his place in Parliament, are usually made by the capitalist class, and which, therefore, provide a sufficient margin for loss resulting from legislation. There are some persons who seriously advocate that ordinary industries might, though profitless, be conducted by the State, in order to provide employment for everyone able to work; but on the assumption that such industries did not realise profit, the proposal bristles with absurdities too gross for serious discussion. A business which had ceased to be profitable to individuals could hardly, under any conceivable circumstances, be conducted by the Government without larger expenditure. The loss could only be met by taxation, thus permanently reducing the wage of the whole community.

It it quite impossible to consider any limitation of the hours of labor, without also considering it as a question of wages. In a very large number of industries the worker is paid by the piece, or by the hour. In all such cases a mere statutory reduction of the hours of labor must be a reduction of the individual wage.

There has recently been considerable outcry against wage labor from many of those who are most prominent in advocating an eight hours legal limit. There are only two ways of looking at the question: one, in which the laborer alone, or in co-operation with others, works for himself, and, on the sale of the product of his labor, gets the whole

of the difference between his outlay and the price realised; the other, in which he gets a price or purchase-money for his labor without reference to the realised result of the product to which his labor has been applied. A modification of the first view is possible in what is called profit-sharing, which would differ from co-operative production in this: that whereas in co-operative production the co-operator finds labor and capital in equal or unequal proportions, in profit-sharing the capital is usually found by those who take the direction of the undertaking, and who usually pay to the laborer at least a subsistence wage until profit is realised.

I believe strongly in co-operative production, and in a lesser degree in profit-sharing; but at present only a very few workmen share my faith in either, so that, for good or ill, the wage system is—just now, at any rate—a necessity. Workmen, as a rule, cannot wait until profit is realised, especially if the product has to be sold or exchanged a long way off, and at an uncertain time. Even those who have some economies do not care to take the risk of no profit being realised, or the risk that the profit may be only small. They prefer to sell their labor out and out; the purchase-money is the wage. The employer-purchaser has to risk loss as well as to strive for profit. I have always been an advocate for the highest possible wage. High wage is followed and accompanied by a higher standard of comfort, and higher morality. I read that public speakers claim for the workmen a "fair share" of what is produced, but none of them give the necessary data for calculating that share. I suggest that a reasonably higher wage should (1) ensure life to the worker and those dependent on him. By "life"

I mean the highest average standard of comfort then possible to the class to which the worker belongs. (2) There should be beyond this a surplus to enable the worker, by reasonable thrift, to make provision against sickness, accident, loss of employment from slackness of trade, or other reason, and against old age. The thrift is best as associated thrift for sickness, accident, and slack trade, because in each of these cases there are matters not only beyond the workers' control, but also in the highest degree uncertain, and in which association averages the risk and renders the benefit more certain. I shall say a special word on these heads when touching on Friendly Societies legislation. On accidents happening to workmen in the course of their employment, I shall write further in dealing with the Employers' Liability Act. (3) The wage should be earned in such a daily period as to secure reasonable leisure to the worker. I have always maintained that leisure, in excess of mere sleep, rest, and nourishment periods, is necessary for the physical and mental well-being of the worker. If it be alleged that there is any industry in which it is impossible to pay such a wage, I answer, then it must be an industry in which no large fortunes can be or ought to be amassed. If the laborers cannot win life in an industry, none ought to be able to secure luxury in that industry. If it be contended that there are many industries in a nation in which such a wage is not paid, then I answer that such a nation should not permit itself the costly luxuries of huge naval and military establishments, and should even be sparing in Royal and Ecclesiastical splendors. To determine whether a wage is high or low to the employer, regard must be had to the produce results of the laborer. Sir Lowthian Bell says, in his statement prepared for the Royal Com-

mission on the Depression of Trade (Appendix 2nd Report, p. 341):—

"If the amount of work cited as performed by the Durham colliers is compared with that of the French pitmen, already given, it will be seen that the former is much in excess of the latter. Part of this is due to the difference between the two seams of coal in which the men were working, but I am strongly of opinion that the superior results of the English miner must be ascribed, in a great measure, to his better pay and better living."

That is, the larger money amount paid to the English miner was not actually a more costly wage. From the standpoint of the worker, high and low wage must be estimated with due regard to the average standard of comfort prevalent amongst the class receiving the wage, and to the comparative cost of the necessaries of life; that is, as compared with the cost of like necessaries to workers in similiar industries in other countries, or perhaps even in other counties. In his address to the Hull Church Congress, the Lord Bishop of Durham said labor's reward should "be measured, not by the necessities of the indigent, but by its actual value as contributing to the wealth of the community;" and he declared that "wage-labor, though it appears to be an inevitable step in the evolution of society, is as little fitted to represent finally or adequately the connection of man with man in the production of wealth, as at earlier times slavery or serfdom". Except in co-operative production, there are no means to which exception may not be taken of measuring "actual value"; and as long as the men will not generally enterprise co-operative production, a wage system is the only one possible. The ordinary workman requires subsistence for himself and family, and if he is to live reasonably it is necessary that the subsistence money should be fairly certain, and paid at short, regular periods. The profit

on production varies in amount and in period of realisation; the bulk of workmen cannot possibly wait for the realisation. The doubt as to what, if anything, would be realised, would be highly harassing, and thus demoralising, to the worker with no means to bear a loss. In profit-sharing works, wage might stand as a minimum subsistence advance, to be followed, on ascertainment and realisation of value and product, by further payment of agreed proportion of profit, or, in the event of loss, by repayment of part of the wage already advanced. This loss in the case of very poor workmen would certainly be quite impossible, and in ordinary cases would be attended with discomfort. The amount realised often depends on the method of realisation; and as the laborer could hardly exercise effective voice as to the country in which a market should be sought, or the freight paid, or the date of realisation, it seems hardly fair to make him sharer in a loss in which these elements might be the chief factors. Industries vary so exceedingly in their character, and even in similiar industries the conditions as to accessibility of raw material, carriage of product, and other matters are so different, that one hard and fast line for all industries seems absolutely impossible. Any attempt to limit to eight hours, the daily period during which an industry might be lawfully carried on, would be fatal to very many industrial establishments in this country. This last declaration is of course limited to prohibition of more than one shift of eight hours. I agree with an expression by Sir T. H. Farrer that, "In cases when a general limit of eight hours is desirable, there are forces at work independent of legislation, which will, at any rate as a general rule, bring it about. In cases where such a limit is not desirable it would be mischievous and tyrannical to enforce it by law."

I have already noted that it is impossible to separate the question of the hours of labor from the wage question. Mr. John Burns is reported in the *East London Observer*, Nov. 11th, as having said: "To working men, however, the greatest and most important personal question of the day was the adoption by Parliament of a maximum working day of eight hours, and *the fixing by law also of a minimum rate of wage*, which would admit of a decent livelihood for the worker. He advocated the eight hours day by legal enactment as the easiest and simplest method by which they could attain their end. Trade union effort, to be successful in obtaining an eight hours day, meant a general strike—meant, in fact, civil war." In the discussion at the Miners' International Conference held in May, 1890, at Jolimont, Belgium, Mr. Johnson, a delegate from Durham, asked the supporters of the proposal to fix by law the hours of labor "whether they were also in favor of the State interfering in the matter of wages. It seemed to him just as legitimate for the State to interfere with the one as with the other. The necessary shifting condition of wages was a natural corollary to any interference with the hours of labor." M. Cotte, delegate from the Loire, answered that "of course wages must be regulated by the State". Mr. Sidney Webb ("Fabian Essays", p. 54) proposes such an "extension of the Factory Acts" as will "raise universally the standard of comfort, by obtaining the general recognition of a minimum wage and a maximum working day".[1] One effect of enforcing a minimum wage by law would be that the

[1] [The passage cited is part of a programme quoted by Mr. Webb from the *Star* newspaper of 8th August, 1888, and endorsed by him. Mr. Webb describes his extract as representing "the current Radical programme", which is certainly inaccurate.—ED.]

employer would, whilst he had a choice of workers, pass by all whom he deemed incapable of earning that minimum. The young worker not yet thoroughly efficient, and the old worker who had lost some of his efficiency, would have to stand aside. Each might be willing to receive a sum equivalent to his ability, though a lesser wage than the minimum; but the employer would be legally unable to make this compromise. To enable any one to form a reasonable judgment as to the fairest possible hours of labor per day in any industry, knowledge is required (1) of vital statistics, to throw light on character of work as affecting life and health; (2) cost of raw material; (3) cost of production, and how varying with quantity produced, and situation of works as affecting cost of transport; (4) proportion of wage to cost of production. It must here be remembered that nominal high wage does not always mean an actual high cost, nor does nominal low wage necessarily mean low cost of production. The quantity and quality of production have in each case to be considered. (5) The price of the result produced. Where the produce is largely exported, then also the differing prices in foreign markets. Where the continuation of the industry on its present scale is wholly or mainly dependent on foreign demand, it is also necessary to know the possible facilities of production in each purchasing country, and in other countries which might compete.

It would be needful to distinguish between industries in which larger production per hour would be possible, through extra human effort, if the hours worked were fewer, and where such extra production would need extra and improved machinery, or where no extra production would be probable without, or even with, increased plant. Estimates should be

at least attempted of the lessened production consequent on shorter hours, if one shift, or of the increased cost for the same production if more persons were employed, or of the reduced wage for the lesser hours worked. Careful statistics would be required of the varying proportion of wage to cost of production in each industry. Partial information on some few of these points is obtainable: (1) in coal mining, from the reports of the evidence taken in arbitrations on wage disputes; (2) in coal and metalliferous mines, from the evidence taken by the Royal Commission now sitting to inquire into Royalties; (3) from the railway returns; (4) generally in the evidence and appendices reported by the Royal Commission on the Depression of Trade, and from the reports of mine and factory inspectors. To get effective general information a statutory commission would be necessary; the powers of a Royal Commission are insufficient; the duration of a select committee is limited to the Session in which it is appointed.

The difficulty of judging accurately on such industrial questions is shown by an examination of the evidence in the first report of the Royal Commission on Mining Royalties, and my debate with Mr. Hyndman on "The Eight Hours Question" (p. 27). Mr. Hyndman stated the cost of production of coal at the pit's mouth, at the present time, through the mining districts, at 1s. to 2s. per ton, and said that it was sold at 8s. or 9s. By the evidence submitted to the Royal Commission, it appears that prices vary very much in different counties and for different qualities of coal. Mr. R. O. Lamb, chairman of the Northumberland coal-owners (300), estimated that about 52 per cent of the price went to the labor cost of coal; and stated (354 and 355) that during a period of depres-

sion, in one colliery for eight years and in another for fourteen years, the collieries were worked without any profit being made by the capitalist. The average net selling price taken on all coal for the two counties of Northumberland and Durham, in February, 1888, was 4s. 3·40d., and in November, 1889, 5s. 9·68d. (379); the highest price of round coal alone was 13s. Mr. Lamb mentioned (400) that there is now no steam coal sent from the Tyne to Holland "in consequence of the cheaper German coal". In July, 1890, the price of a ton of coal at the pit's mouth in Northumberland was, I believe, roughly 7s. 10d. per ton; of this wages, not including officers' salaries, were about 4s. 6¾d. Mr. W. H. Hedley, chief viewer at the Consett Collieries, stated (833) that the proportion of the price of a ton of coal at the pit's mouth received by the miner as wage "varies considerably; but from about 50 to 60 per cent. will cover the ground". Mr. Marshall Nicholson, representing the West Yorkshire Coalowners' Association, was asked (1292), "What percentage of the price would you say goes in wages to the labor employed about the mines?" He answered, "That is very difficult to say, because the amount of wage depends so much upon so many considerations in every mine; you might give a figure for one mine that would not apply to another. In some cases it would be 60 per cent, in some less, in some more." It seems clear that this percentage must not be held to apply to such years as 1873 to 1876. Mr. J. D. Ellis, chairman of the South Yorkshire Coalowners' Association, averaged the actual cost of labor in that district at from 2s. 6d. to 3s. per ton (1460). Captain W. B. Harrison, chairman of the Cannock Chase Coalowners' Association, fixed the proportion of wages at from 50 to 60 per cent of the price.

Some very specific evidence was given by Mr. Alfred Hewlett, managing director of the Wigan Coal and Iron Company (2729—2743). In seven pits for Arley Mine Coal, in the six months ending 30th June, 1880, the average price was 4s. 11·3d. per ton; the wage cost was 2s. 11·2d. per ton. For the half year ending 31st December, 1889, the average price of the same coal was 6s. 5·1d. per ton; the wage cost was 3s. 5·8d. per ton. On the first figures there was a loss to the Colliery, on the second a profit. At the same dates, in 1880, Yard Mine Coal average price was 4s. 10·3d., wage cost 2s. 10·8d.; in 1889, price 6s. 7·5d., wage cost 3s. 8·8d.

From the evidence of J. D. Kendell (2580), on wages in the Hematite Iron Trade, Cumberland, in "an average case which would really represent the majority of the mines in the district, at 9s. (price) you have got 40 per cent in wages"; "at 10s. 6d., 35 per cent in wages;" "at 12s., 33 per cent in wages;" "at 18s., 24 per cent in wages" (2641). "The men who get the ore are paid by the ton—so much per ton. For doing the other work, driving stone drifts, and so forth, they are paid by the fathom."

Mr. W. Kellett, manager of the Barrow Hematite Iron and Steel Company (3280), stated that in their mines "the total labor cost varies from 52 to 64 per cent of the cost of production", and that this was based (3288) on data extending over a considerable period, and the variations between one mine and another.

These estimates and actual figures of price and wage were not challenged by any cross-examination, though mine-workers as well as mine-owners are represented on the Commission.

Mr. J. Price, the general manager of the Palmer Shipbuilding Company at Jarrow, before the Royal Commission

on the depression of trade, giving a variety of exact figures of wages paid in this country and in Germany, mentions (10,988) that in 1862 the proportion of the cost of labor to the cost of production on engines was 23 per cent; in 1886 it was 30 per cent. The twentieth report (1889) of the Massachusetts Bureau of Statistics of Labor, was specially devoted to the relation of wages to the cost of production. The report says (p. 3):—

"Two lines of inquiry present themselves. First, the determination of the share of product which falls to labor in distinction from the share retained by capital; and, second, the relation which labor cost bears to the total cost of the product, as shown by the proportion which wages bear to the other elements of cost. The first inquiry would involve the question of profits, and would take, as its basis, the selling price of the product, separating this price into the various factors which compose it; such, for instance, as wages (labor's share), and profits and interest (capital's share). The second phase of the subject deals only with the actual cost to the manufacturer, eliminates profits, and determines what part of that cost is due to labor, represented by wages, and what to raw material and other necessary expenses. These two phases of the subject involve different and entirely distinct problems. In fact, one line of investigation concerns the distribution of wealth, while the other deals entirely with its production. It is with the second and simpler investigation, which properly precedes the other, that the present Part deals. The question it asks and answers, in 1,615 specified instances, is, What relation does the cost of labor bear to the cost of the product as it lies completed in the manufacturer's hand? From the manufacturer's standpoint the inquiry relates to outlay, not to income; that is, it does not deal with profits. From the workman's standpoint it determines the share he has contributed to the product, and for which he has been remunerated in the form of wages."

As shown by the report, the percentage of wages to the cost of production, in Massachusetts, varies enormously in different industries; for example, in the following (p. 79) the percentage of wages is high, viz.—clocks and watches, 77·06

per cent; concrete walks, paving, etc., 71·22 per cent; earthen plaster and stoneware, 66·09 per cent; glass, 61·76 per cent; models and patterns, 61·51 per cent; brick, tiles, and sewer pipe, 56·71 per cent; stone, 56·47 per cent; fancy articles, 56·65 per cent; crayons, pencils, crucibles, etc., 54.71 per cent; salt, 52·23 per cent; toys and games, 51·74 per cent; and cooking, lighting, and heating apparatus, 51·24 per cent. These are either industries in which a high degree of technical skill is required, or in which the raw material is a crude substance of relatively low cost. Industries with low percentages of labor cost are—Chemical preparations, compounded, 9·27 per cent; cordage and twine, 13·97 per cent; fertilisers, 8·57 per cent; food preparations, 12·44 per cent; glue, isinglass, and starch, 14·97 per cent; hair work (animal and human), 12·19 per cent; leather, 14·38 per cent; liquors, malt, distilled and fermented, 13·46 per cent; oils and illuminating fluids, 5·92 per cent; polishes and dressing, 11·10 per cent; tallow candles, soap and grease, 9 per cent. These are industries in which the raw material is itself a manufactured article involving labor in its production. I need hardly add that the ascertained percentage of wage to cost in similar industries would vary exceedingly in other States of the Union, and all the percentages might differ from those in this country.

It is alleged that if an eight hours day could be enforced in all industries, employment would be at once provided for thousands who are out of work. If this be true, unless double or treble shifts are permitted, increased hands would, in most cases, also mean increased plant and enlarged buildings; and unless these were accompanied with increased products, it would mean largely-increased cost of production. But the

mass of the unemployed are unskilled laborers; and if it be true that the enforcement of an eight hours law would call for more skilled men, it is certain that these could not be readily got from the ranks of the unskilled, but would be possibly attracted from other countries where wage was less. Nor would the prohibition of the importation of foreign workmen meet the difficulty. To convert a man of mature age from an unskilled into a skilled workman is in some trades an extremely difficult and slow process. Foreign consumers would hardly be likely to wait for the things they needed; it is not even certain that home consumers would not prefer, in lieu of waiting, to import from abroad the articles they required.

I agree with Professor J. E. C. Monro, of Owens College, Manchester, in his paper on "The Probable Effects of a General Reduction in the Hours of Labor", "that the reduction in hours will not necessarily lessen the number of the unemployed, inasmuch as it will not increase the purchasing power of the consumer, and will not affect the chief causes of poverty incident to our present organisation of industry; that the position of the chronic unemployed or residuum will not be materially improved; that in so far as additional laborers are employed to maintain the net produce, it will be at the expense of other workers, if the net produce remains the same but the number of producers increases. It is necessary to point out, that arguments which may be urged against a general though unequal reduction of hours, do not apply with the same force to a reduction of hours in a particular trade that may be the subject of special economic surroundings. Before venturing to express an opinion on the desirability of reducing hours in a given industry, *e.g.*, in mining, the econo-

mist will require to investigate these surroundings in order to estimate what loss, if any, will occur, and on whom such loss will fall. But even if there be a loss in a particular industry, or a national loss, it may be more than made good to the nation by the beneficial effects on the working classes of greater leisure."

In some season trades there are regular periods of overtime and of slackness, the workers on the whole year averaging a fair subsistence; but if more than eight hours be forbidden to any workman in any one day, extra men and their families will be drawn to the town in the busy season, to add to the numbers of those who for some weeks in the year are unable to earn their livelihood.

How is such an industry as the Cycle Industry at Coventry to be considered, in a bill limiting the hours to eight per day? Workmen are engaged and paid by the piece and by the hour. The hours per week vary exceedingly in different months of the year. In March, April, and May slight overtime is worked; in June, July, and August long overtime prevails; in November and December, great slackness; and in January and February, moderate employment. An eight hours limit would mean that for three months of the year only extra hands must be brought into the town or the work would go elsewhere. If the extra hands could be obtained for the three or four months of high pressure, they would add to the pressure of unemployed in all the Coventry industries, during the remainder of the year. As the workers are paid by the piece or hour, eight hours legal limit would mean a reduction in the normal time of about six hours' pay per week; in the very busiest time it would mean a reduction of four to six hours' pay per day.

How would eight hours legal limit per day affect the Metropolitan Cabdrivers, roughly about 16,000 in number, and with whose work a considerable number of persons are associated? I am informed that there are about 2,000 men who drive their own cabs in London, and that about 10,000 cabs are let out by cab-owners to drivers. Are the small men to be prevented from driving their own cabs more than eight hours per day? If not, why not? Or, as they have no employers except their fares, will a person who hires a cab which has been already at work seven and a half hours be liable to prosecution if he knowingly keep it out another hour? How is a cabman's eight hours to be reckoned? He may have waited two or three hours on the rank without a fare. If such a waiting period is not to be reckoned, how is the cabmaster to know if the cab be kept out beyond eight hours, whether or not he is liable to penalty? I have examined some accounts of drivers and small cabmasters, and the margin is very small for the cabmaster, the average earning very poor indeed for cabby.

It is gravely contended ("Physiology of Industry," by A. F. Mummery and J. F. Hobson) that "any legal restriction of the hours of labor, provided it be accompanied by absolute prohibition of imported labor", would be in the interest of the workman, because "the effect of a law fixing the maximum hours of labor at eight per diem, instead of, say, ten, would be the same, as far as wages are concerned, as a law which expelled from the community four-fifths of the available laborers. Since each laborer will now only produce four-fifths of what he produced before (setting aside the vexed question of the effect of shorter hours on the quality of labor), five laborers are now required where four were previously, and

looking at the lowest kind of work, we must conclude that each of the five laborers has to be paid the same amount of wages as each of the four was paid before." But in this case it is clear that the cost of production must be increased; first, by the increased twenty per cent of increased wages in that cost; and next by the increased proportion of cost of plant where it was impossible to fit in a one-fifth addition of human labor to the previous machinery so as to maintain equal production, or impossible without extra expenditure to provide room for the twenty per cent of additional workers. Messrs. Mummery and Hobson, having evidently some glimmering of this, go on to say: "It is however necessary to bear in mind that an eight hours bill must be universal. If otherwise (unless the nation enacting it isolated itself from all other nations by tariffs) the competition of other nations would undersell the eight hours nation, ruin its capitalists, and so reduce the quantity of labor demanded as to force either a general emigration of the laborers, the repeal of the law, or its systematic and general evasion." It may be added that a nation chiefly depending on an export trade could not isolate itself from all other nations by tariffs, nor is it certain that any universal regulation of the mere hours of labor, or of labor and wage, can ever come within the range of practical politics. Messrs. Mummery and Hobson proceed:—

"Assuming, however, that the eight hours labor law is universal and that there is under-consumption, the increased sum paid to laborers as demand for the use of labor will be deducted from the total of retail profits. Or, to put it otherwise, the increased number of laborers required for certain of the stages of production will be withdrawn from the number unnecessarily engaged (directly or indirectly) in retailing. Whilst, therefore, the total of production will not be affected, the aggregate of labor actually exerted will be reduced in the proportion of ten to eight. In any period of full demand it is

evident that the aggregate produced would be reduced; in all such periods, therefore, it would be desirable to relax any limits that might be imposed restricting the hours of labor, unless it appeared that the advantages of increased leisure more than counterbalanced the loss of wages which in such periods would result."

Applied to this country, this means that there is a sufficient net retail profit out of which the increased cost of production can be deducted; or that the distributors of produce are to cease to act as distributors. Undoubtedly, something is being done by co-operation to diminish the cost of distribution, but if the retail traders are to understand that an eight hours bill is a proposal for their legal extinction, they will hardly be enamoured of eight hours a day by law. Messrs. Mummery and Hobson's suggestions that the law should contain provisoes for relaxing the restrictions, without suggesting by whom the relaxation is to be authorised, or by whom "increased leisure" is to be balanced against diminished food, are really undeserving serious answer. The difficulties in the way of international legislation regulating the hours of labor even for Europe are enormous. The obstacles to universal legislation on such a subject seem insurmountable. The diversities of racial characteristics and life conditions; the pressure of population on subsistence; the varying standards of comfort and costs of necessaries of life; the accessibility, quantity, and quality, of certain fuels, metals, and minerals; water as means of carriage or power; distance from markets by road, rail, or ocean; cost of freights and other charges; the question whether military service is compulsory, and to what extent enforced—these and other considerations have to be weighed; and national prejudices and hostilities have to be overcome.

It is argued that shortened hours of labor are not incon-

sistent with increased production, for that in many industries the less fatigued worker is capable of a higher effort during the shorter number of hours. My answer to that is, well and good; where the shortened labor period is certainly beneficial to the men, and not unfairly injurious to the employer, it ought to be obtainable, without serious difficulty, by mutual agreement. But, it is retorted, some bad employers and many needy workmen not belonging to unions will not take part in the mutual agreement, and the law is needed to coerce these. I rejoin that employers and men alike look to profit and comfort; and if it be shown that they can make as much profit and wage in the lesser hours, they will need no coercing. If the coercing is to mean less total earnings to the laborer coerced, it is indefensible. Where, as in many industries, the labor is associated with machinery, you will need improved machinery to increase production. It is claimed that the shortening the hours of labor would not decrease individual wage; if it did not so reduce wage, then it must admittedly increase the cost of production, unless corresponding increase of products resulted. No evidence is presented of any such probable, or even possible, increase of production in all industries, not even in the main industries, on which the great export trade of this country is dependent.

It is clear that some, at least, of the advocates of a compulsory eight hours day do not think that the same production can be effected in the lesser number of hours, for one prominent advocate argues that "It would diminish competition for employment, because in order to keep up the present production the greater part, if not the whole, of the unemployed would be pressed into work". If the wage of the present workers is not reduced with the hours of working, then it is clear, on this

argument, that the cost of production will be materially increased in all industries to which it applies.

The *Boston Herald* (Mass., U.S.A.) states the question thus :—

"Assuming that a community of 100,000 workers can produce in a day, by the labor of ten hours, wealth to the amount of 380,000 dollars, then if their labor is cut down to eight hours a day, they must either work harder or more skilfully in the shorter period, or there will be one-fifth less of wealth to divide among those interested in its production. There is no way of getting over this. At the present time the wages earned are paid, and the capitalist receives his returns from the gross sum of production. If this sum is cut down in any way, a loss is inevitable either on the side of the capitalist or wage-earner, or on both sides. While five dollars divided among five men will give each one dollar apiece, there is no process of arithmetic by which four dollars divided among five men will produce the same result."

Assuming that to do the same work in eight hours that was formerly done in ten hours it would be necessary to employ 250 as against 200 previously employed, and that thus there will be fewer unemployed; also that the extra cost of plant and larger buildings is borne by the employer out of profits, and that the ten men are paid the exact sum that the eight men formerly received as wage; then an eight hours law will mean that the workman now earning £1 will in future earn only 16*s*., as well as the enforced reduction of the employers' profit to the extent of the extra cost.

It is urged that the claim for a compulsory eight hours day is general, but how is that shown? Most certainly it is not made out by the vote of the Liverpool Trades Congress, where the proposal was at first carried only by a majority of eight, and on a division on the main question by thirty-eight.

If these numbers were real, the dissentient minority was very large. But in truth a considerable number of the very men who at Liverpool, as dock laborers' delegates, voted for eight hours by law, returning to London, voted that eight hours should not apply to them (*vide* p. 16). It is said that English workmen in open public meeting insist on an eight hours law; but I should like to know the questions submitted to such meetings. If men are asked, Will you like to work less time for the same wage you now receive? they are nearly sure to say yes. If men are asked, Would you like men who are now unemployed to be employed? they are nearly sure to say yes. If they are asked, Will you work fewer hours for less wage? their reply will probably be that they do not even now earn as much as they wish. It is true that there is great protest against overtime, but it is generally as justifying a demand for higher wage for the extra hours worked. The speakers in favor of eight hours legal limit do not explain to working men that if they have been thrown out of employment for a week or two by illness, bad trade, or other cause, there must be no making up by any overtime if the opportunity arises. The sick man may have drawn sick pay whilst ill, but such sick pay is usually less than his ordinary wage, and the house expenses during illness are mostly heavier. Debt has arisen, and the law is to forbid him to earn extra that he may pay his debt. This is so monstrous that it hardly needs stating.

Mr. Hyndman contended in the debate with myself (p. 8) that a general eight hours law should be enforced in all industries, because "if you take the condition of the workmen and workwomen, their physical strength is being deteriorated by the present system. The height and chest measurement of recruits

has fallen markedly since Her Majesty ascended the throne. Anyone who is acquainted with the manufacturing districts, as I have been since I was a boy, must see not only in the reports of certifying surgeons and sanitary inspectors, but from his own experience and under his own eye he can see perfectly what deterioration is going on." This is almost too absurd for refutation, but is a kind of argument used by men who ought to know better. If the working classes have deteriorated physically during the present reign, which I do not believe, and if the deterioration is really the result of the hours of labor, it must be because those hours of labor have been shortened, which is grotesque. The replies from workmen, and from employers alike, to the schedules sent out by the Royal Commission on Depression of Trade, are conclusive that, in nearly every industry, the hours of labor per day are less than they were even twenty-five or thirty years since, far less than they were at the commencement of the present reign. In 1837 the artizan's normal working day was at least ten hours for the whole six days. Forty years ago it was reduced in the building trades to nine hours, and soon after a Saturday half-holiday was won. The lowering of the standard for recruits arises rather because it is no longer so easy to collect men from the agricultural districts as it used to be. There is an indisposition to enter the military service.

Mr. John Burns, writing in the *Speaker*, May 24th, 1890, says:

"Singular though it may appear to some, our danger is not in the foreigner working his people long hours, and paying them low wages—which the fear of revolution is rendering impossible—but in his going further than England in the direction of shorter hours and better wages, and, in doing so, using the same weapons against us that we

have used successfully against him. This is strikingly shown by the fact that America, with its better conditions, is becoming the successful competitor against all others in the manufacture of machinery, tools, and in other industries. The nation to fear is the one with the best machinery, high speeds, which utilises waste products, whose workers are technically and artistically educated—results impossible to produce where long hours and low wages prevail. The bogey of foreign competition has been dispelled by international communication, and the result is international combination for a maximum working day, and ultimately for a minimum wage. This will be secured concurrently by all, and though foreign competition will not thereby be abolished (I am sorry to say), it will be put universally on a higher level. One nation may slightly lead; I want that honor to be England's. Henceforth the highly paid operative with leisure, and a higher standard of comfort, and consequently greater powers of consumption, will be, both as a producer and a consumer, the most profitable to the community. Is it not clear that anything tending to raise the tram slave or the tailor to the level of the miner or engineer must really benefit every trader and manufacturer in the kingdom? Even supposing that in some trades foreign competition may affect us prejudicially—and then only if the movement is not international, which is not possible—an increased home trade in our domestic industries, caused through reduced hours absorbing the workless, would more than equal the foreign trade that might in a few cases be lost."

I cannot find the slightest evidence in any important industry that the foreigner works his people shorter hours than are worked in this kingdom, or pays better wages than paid here. Mr. Burns does not condescend to details, so I can only traverse his general allegation. The reference to America is inaccurate, if it means more than that with human labor dear, the dwellers in the United States have excelled in some kinds of labor-saving machinery. I see no sufficient evidence of an international combination either for a "maximum working day" or for a "minimum wage". International associations of working men have from time to time

been projected, but it is not easy to maintain them. The grievances of each nation differ, their standards of comfort vary, their aspirations often invoke national hostility. An international combination, to mean anything, must be one to which employers and merchants would have to be party as well as the employed. In France the *proletariat* who take part in such movements loudly declare war without compromise *à la classe bourgeoise*. Mr. Burns himself, unless misreported, occasionally uses language against the capitalist classes entirely inconsistent with any possible combination, either local or international. I find that there is in this country a generally higher standard of comfort than formerly existed; and I desire to increase it. I hope in some little things to have already done this, and trust with others aiding to do more; but I do not believe that this can be effected by Parliament going back to the methods long since abandoned when it fixed the hours of labor and the rate of wage.

It is a little curious that Mr. Burns, in another article, in the *Daily Graphic* of May 3rd, 1890, after urging that

"the balance of advantage always has and will rest with those countries that pay higher wages and work shorter hours, and which, as a consequence of both, employ more and better machinery, and get more efficient, because more intelligent, labor,"

goes on to declare that:

"in one industry only is there any fear of foreign competition, and that only if England alone (which is not probable, as the movement is international) adopts the eight hours day. And in that industry the competition is not from Massachusetts, where the men demand eight hours, but from our Crown colony—India—where the mills are owned by English capitalists, who are only able to undersell Lancashire, where they also have mills, because they work the Indian men, women, and children, twelve, fourteen, sixteen, and eighteen hours per day seven days per week."

The two declarations seem in flat contradiction, and I only reproduce them because I note that they have since figured in election speeches as though they were harmonious propositions.

So far as I am aware, only one daring attempt has been made by any advocate of a compulsory limitation of the hours of labor to state the estimated consequent increased cost, and to show how it was to be provided.

"The margin of profit on coal, iron, engineering, chemicals, railways, trams, gas, and water-works, employing about two million men, is sufficiently high for a 15 per cent reduction in working hours, and the corresponding absorption from the ranks of the workless to the workers."

I have no means of knowing whether or not this 15 per cent is a pure blind guess at an estimated increased cost, or whether it is predicated of one, or of how many industries, or whether it is meant as an average of all. Surely some tabulated statement is needed. If Mr. Burns means anything he means that the average profit in the whole of the industries he names is not less than 17½ per cent, for if 15 per cent be taken off, the remaining profit should not be less than may be got on the lowest paying Government stock.

But take railways, alone accounting for £876,595,000 of invested capital: here the average interest is 4·32 per cent.

The General Report of the Board of Trade, 1890, states that

"the average rate computed as having been paid upon the total capital last year was 4·32 per cent, and that this rate has not been exceeded since 1883, when the average was 4·41 per cent, whilst in 1886 it was as low as 4·08 per cent".

The same report says:

"The following Table is a statement of the rates of interest or dividend paid on the different descriptions of Capital in 1889, and the amount at each rate:—

Rate of Interest or Dividend.	Ordinary.		Guaranteed.		Preferential.		Loans and Debenture Stock.	
	Amount of Capital.	Per cent of Total.	Amount of Capital.	Per cent of Total.	Amount of Capital.	Per cent of Total.	Amount of Capital.	Per cent of Total.
	£		£		£		£	
Nil	44,487,435	13·6	60,920	0·1	12,577,808	5·5	———	—
Not above 1 per cent	2,640,187	0·8	16,500	0·0	370,000	0·2	417,365	0·2
Above 1 and not over 2 per cent	2,885,299	0·9	101,180	0·1	215,990	0·1	131,901	0·1
„ 2 „ „ 3 „ ...	37,397,172	11·4	———	—	1,377,403	0·6	7,461,880	3·3
„ 3 „ „ 4 „ ...	25,001,997	7·7	55,094,383	56·2	158,819,481	69·2	161,118,427	72·3
„ 4 „ „ 5 „ ...	55,576,419	17·0	38,591,952	39·4	52,576,786	22·9	52,107,138	23·4
„ 5 „ „ 6 „ ...	66,142,891	20·3	4,119,580	4·2	3,294,104	1·4	1,671,070	0·7
„ 6 „ „ 7 „ ...	20,645,462	6·3	———	—	———	—	———	—
„ 7 „ „ 8 „ ...	67,413,652	20·7	———	—	13,540	0·0	11,200	0·0
„ 8 „ „ 9 „ ...	3,509,510	1·1	2,000	0·0	———	—	———	—
„ 9 „ „ 10 „ ...	350,000	0·1	50,000	0·0	———	—	———	—
„ 10 „ „ 12 „ ...	———	—	———	—	———	—	———	—
„ 12 „ „ 13 „ ...	179,534	0·1	———	—	165,000	0·1	———	—
Total	326,229,558	100·0	98,036,515	100·0	229,410,112	100·0	222,918,981	100·0

I do not know if the omission of the textile industries is intentional; the evidence most clearly does not show any such average as 17½ per cent. Is it not monstrous to suppose that English or Scotch capitalists would lend their money to India or our Colonies for, say, 4 per cent, if they could be reasonably sure of realising more than four times that average profit in home industries? And yet recklessness such as this passes for argument.

In addition to vague propositions varying from the one shift of eight hours in mines, advocated by Mr. W. Abraham, M.P. for the Rhondda, to more than one shift in the textile industries, advocated by the late Stephen Mason, two Bills have been circulated through the country, one promoted by the Social Democratic Federation, the other by the Fabian Society. When I debated with Mr. Hyndman he proposed:

"That the enactment by law of eight hours a day, or forty-eight hours a week, as the maximum amount of work for adults in all factories, mines, workshops, and businesses conducted for profit, will prove a valuable palliative of our present industrial anarchy."

I applied for the text of the law intended in the proposition, and, after some difficulty, it was furnished as follows:—

A BILL entitled an Act to limit the hours of labor to eight hours a day:—

1. This Act may be cited as the Eight Hours of Labor Act, 1890.

2. This Act shall come into operation on the first day of January, 1891.

3. In all contracts for the hire of labor or the employment of personal service in any capacity whatever, a day shall be deemed to mean a period not exceeding eight working hours, and a week shall be deemed to mean a maximum period of forty-eight working hours.

4. No person employed under the Crown in the United Kingdom, in any department of the public service, or in any Arsenal, Small Arms Factory, Dockyard, Clothing Establishment, or other industrial

business, or by any County Council, Municipal Corporation, Vestry, Local Sanitary Authority, School Board, Guardians of the Poor, Dock or Harbor Trustees, District Council, Improvement Commissioners, Commissioners of Police, Commissioners of Sewers, of Public Libraries, or Baths and Wash-houses, or by any other Public Administrative Authority, shall, except in case of special unforeseen emergency, be employed for a longer period than eight working hours in any one day, or for more than forty-eight working hours in any one week.

Any public officer or public functionary ordering or requiring any person in public employment to remain at work for a period in excess of eight working hours in any one day, or forty-eight hours in any one week, except in case of special unforeseen emergency, shall be liable to a fine of not less than fifty pounds for each such contravention of the provisions of this section, on conviction thereof: and one half of all fines so imposed shall be paid over, without any deduction whatsoever, to the person or persons directly or indirectly affected by such contravention, whose action and evidence shall be the means of bringing home such offence to the perpetrator.

5. No person shall be employed by any railway company for a longer period than eight working hours in any one day, or forty-eight working hours in any one week, except in case of special unforeseen emergency.

The general manager of any railway company employing, or permitting to be employed, any person in contravention of this section, shall be liable on conviction thereof to a fine of not less than fifty pounds for each such contravention, and one half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly or indirectly affected, whose action and evidence shall be the means of bringing home such offence to the perpetrator.

6. No person shall be employed on any line of tramways, omnibuses, cars, wagons or vehicles used for the transportation of goods or persons, except in case of special unforeseen emergency, for a longer period than eight working hours in any one day or forty-eight working hours in any one week.

The general manager or manager of any company or firm, or any firm, or any individual employer, employing or permitting to be employed any person in contravention of this section shall be liable on conviction thereof to a fine of not less than fifty pounds for each such contravention, and one half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly or indirectly affected whose action and

evidence shall be the means of bringing home such offence to the perpetrator.

7. No person shall be employed underground for hire in any mine for a longer period than eight working hours in any one day or more than forty-eight working hours in any one week except in case of special unforeseen emergency.

The period of employment under ground in a mine shall for the purpose of this section be deemed to be the whole period from the time of leaving the surface of the ground to descend the mine to the time of returning to the surface of the ground after cessation of work.

The manager of any mine employing or permitting to be employed any person in contravention of this section shall be liable on conviction thereof to a fine of not less than one hundred pounds for each such contravention, and one-half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly or indirectly affected whose action and evidence shall be the means of bringing home the offence to the perpetrator.

8. No person shall be employed in any factories, workshops, laundries or other industrial businesses conducted for profit for a longer period than eight working hours in any one day or forty-eight working hours in any one week except in case of special unforeseen emergency.

Any employer or manager employing or permitting to be employed any person in contravention of this section shall on conviction be liable to a fine of not less than fifty pounds for each such contravention, and one-half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly or indirectly affected whose action and evidence shall be the means of bringing home such offence to the perpetrator.

9. No person shall be employed to serve behind the counter or elsewhere in shops, co-operative stores, or magazines or warehouses, for the sale of goods by retail or otherwise, or shall be employed to serve behind bars to sell intoxicating or other drinks or to purvey food or other refreshments for a longer period than eight working hours in any one day or forty-eight working hours in any one week, except in case of special unforeseen emergency.

Any employer or manager employing or permitting to be employed any person in contravention of this section shall on conviction thereof be liable to a fine of not less than fifty pounds for each such contravention, and one-half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly

or indirectly affected, whose action and evidence shall be the means of bringing home such offence to the perpetrator.

10. No domestic servant shall be employed in any club or in any hotel, lodging house, house or flat let in apartments, or other place in which accommodation or food is provided for payment, for more than eight working hours in any one day or more than forty-eight working hours in any one week, except in case of special unforeseen emergency.

Any employer, steward, or manager employing and permitting to be employed any person in contravention of this section shall on conviction be liable to a fine of not less than fifty pounds for each such contravention, and one-half of all fines so imposed shall be paid without any deduction whatsoever to the person or persons directly or indirectly affected, whose action and evidence shall be the means of bringing home such offence to the perpetrator.

11. No person shall be employed in agricultural labor for hire for a longer period than eight working hours in any one day or more than forty-eight working hours in any one week, except in case of special unforeseen emergency.

Any farmer, fruit or flower grower, market gardener, or other agriculturist employing or causing to be employed any person in contravention of this section shall be liable on conviction to a fine of not less than fifty pounds for each such contravention, and one-half of all fines so imposed shall be paid over without any deduction whatsoever to the person or persons directly or indirectly affected, whose action and evidence shall be the means of bringing home such offence to the perpetrator.

12. In the cases of special unforeseen emergency referred to in the above sections arising, each person who shall by reason of such emergency work beyond the period of eight working hours a day or forty-eight working hours a week therein enacted shall be entitled to receive and shall receive from the individual, firm, or company employing him double the rate of wages per hour that has been paid during the normal working period, for each hour of such overtime so worked, notwithstanding any stipulation or contract implied or expressed to the contrary.

The second Bill has been drafted by the Political Committee of the Fabian Society with the object of embodying in precise and Parliamentary terms their demands for the democratic regulation of industry. They say:

"Their aim has been, first, to supply both advocates and opponents

of the limitation of the working day with a model of an Eight Hours Bill.

"The Bill, accordingly, is divided into two parts. The first, which is concerned exclusively with the regulation of hours, is largely (like the second) a development and amendment of laws already in force. But while it enacts a limitation of hours in certain employments already regulated by the State, and enables such limitation to be imposed in all privileged undertakings and monopolies, it undertakes no more, with regard to other employments, than to guarantee to the workers the power to enforce a similar restriction, without the need of any further law-making, as soon as they shall themselves desire to do so."

They add:

"No uniform Act of Parliament can deal with all occupations; and this Bill, if it became the law of England, would not itself secure an eight hours day for every worker."

The model Bill is as follows:

A Bill entitled an Act to amend the Factory and Workshop Act, 1878, and to prevent excessive hours of labor.

PRELIMINARY.

1. This Act may be cited as the Hours of Labor Act, 1889; and shall, except as regards the sixth section, be read and construed as one with the Factory and Workshop Act, 1878, and the Acts amending the same.

2. This Act shall come into operation on the 1st January, 1890.

PART I.

The Normal Day and Week.

3. In contracts for the hire of labor or the employment of personal service in any capacity, a day shall, unless otherwise specified, be deemed to mean a period of *eight* working hours, and a week shall be deemed to mean a period of *forty-eight* working hours.

For Government Servants.

4. No person employed under the Crown in the United Kingdom in any department of the public service, other than military or naval, or by any county council, municipal corporation, vestry, local sanitary authority, school board, board of guardians of the poor, dock or harbor

trustees, district board of works, district council, improvement commissioners, commissioners of sewers, of public libraries, or of baths and wash-houses, or by any other public administrative authority, shall, except in case of special unforeseen emergency, be employed for a longer period than *eight hours* in any one day, nor for more than *forty-eight* hours in any one week; provided that in cases of public emergency a Secretary of State shall have power, by order published in the *London Gazette*, to suspend, for such employments and for such period as may be specified in such order, the operation of this section.

Any public officer ordering or requiring any person in public employment to remain at work for a period in excess of either of those herein specified, except in case of special unforeseen emergency, shall be liable to a fine not exceeding *ten pounds*.

Any public authority, or the principal officer of any department of the public service, employing or permitting to be employed by reason of special unforeseen emergency, any person in excess of either of the periods herein specified, shall report the fact within *seven days* to a Secretary of State, and a complete list of such cases shall be laid before both Houses of Parliament once in each year.

For Railway Servants.

5. No person employed wholly or mainly to work railway signals or points shall be employed continuously for more than *eight* hours, nor for more than *forty-eight* hours in any one week.

No person employed as engine driver, fireman, guard, or wholly or mainly in shunting, on any railway, shall be employed continuously for more than *twelve* hours, nor for more than *forty-eight* hours in any one week.

The General Manager of any railway company employing or permitting to be employed any person in contravention of this section shall be liable on conviction thereof to a fine not exceeding *one hundred pounds* for each such contravention.

Provided that in any case in which the employment of persons to work railway signals or points, or as engine drivers, firemen, or guards, or in shunting, for longer periods than is permitted by this section is rendered by reason of some special and unforeseen emergency necessary for the public safety, it shall be lawful for a Secretary of State, on a report made within *seven* days by the General Manager or Secretary of the Railway Company acting in contravention of this section, to direct that no legal proceedings shall be taken in the case of the particular contravention so reported.

A list of the cases in which any such direction has been issued by a

Secretary of State under this section shall be laid before both Houses of Parliament once in each year.

For Miners.

6. No person shall be employed under ground for hire in any mine for a longer period than *eight* hours in any one day, nor than *forty-eight* hours in any one week.

The period of employment under ground in a mine shall, for the purpose of this section, be deemed to be the whole period from the time of leaving the surface of the ground to descend the mine, to the time of return to the surface of the ground after cessation of work.

The manager of any mine employing or permitting to be employed any person in contravention of this section, shall, on conviction thereof, be liable to a fine not exceeding *one hundred pounds* for each such contravention.

In any case in which, through accident or other unforeseen emergency, any person may be employed underground for a longer period than is prescribed by this section, a special report may, within *seven days* thereof, be made to a Secretary of State by the manager of the mine, and a Secretary of State may, if he thinks fit, thereupon direct that no prosecution shall be instituted in respect of the particular offence so reported.

A list of the cases in which such direction has been issued by a Secretary of State under this section shall be laid before both Houses of Parliament once in each year.

This section shall be read as one with, and be deemed to be incorporated in, the Coal Mines Regulation Act, 1887, and the Metalliferous Mines Act, 1872.

By Trade Option.

7. Where it is proved to the satisfaction of a Secretary of State that a majority of the persons employed throughout the United Kingdom in any one trade or occupation are in favor of the maximum hours of labor per week in that trade or occupation being fixed by law, or, if already so fixed, being altered by law, he may by order made under this part of the Act declare a maximum number of hours per day or per week for such trade or occupation, and after the expiration of *three months* from the date of publication of such order any person employed in contravention thereof shall be deemed to be employed in contravention of this Act, and the person so employing him or permitting him to be so employed shall be liable on conviction thereof to a fine not exceeding *ten pounds* for each such contravention.

A Secretary of State shall have power, in order to satisfy himself of the desire of the persons employed in any trade or occupation as aforesaid, to cause a public inquiry to be held in the principal district or districts in which such trade or occupation is carried on, or to cause a poll to be taken of the persons employed in such trade or occupation, or to take such other means as he may deem fit.

For the purpose of this section, persons employed in any trade or occupation shall be taken to mean all persons employed for hire, or actually performing labor in any capacity, in such trade or occupation, whether already subject to the provisions of the Factory and Workshop Act, 1878, or of this Act, or not.

No order made in pursuance of this section shall declare a maximum number of hours of labor per week in excess of *sixty* nor fewer than *forty-five*.

It shall be the duty of a Secretary of State to institute an inquiry, in such manner as he may deem fit, with a view to the consideration of the expediency of making an order under this part of the Act, in each of the following cases, viz.:—

(*a*) Whenever he shall have reason to believe that excessive hours of labor prevail in any trade or occupation.

(*b*) Whenever he shall be requested to do so by the Committee or other Executive body of any duly registered trades union, or, in the case of there being no duly registered trades union in the trade or occupation in respect of which the application is made, by the committee or other executive body of any trades council, trades union congress, or other association or federation of trades unions.

Provided that a Secretary of State shall not, except for special reasons approved by him, institute any such inquiry within a period of *twelve months* from the date of the holding of any previous enquiry in respect of the same trade or occupation.

By Local Option for Monopolies.

8. The Council for the Administrative County of London, and elsewhere the sanitary authority, shall have power to make, and from time to time to amend, bye-laws restricting the hours of labor of persons employed for hire in or in connexion with any docks, harbors, tramways, telephones, markets, establishments for the supply of electric light, or of electric or hydraulic power, gasworks and waterworks, within the area under its jurisdiction, whether owned by a public authority or not.

Any bye-laws made in pursuance of this section shall be submitted for confirmation to a Secretary of State, and shall, when confirmed by him, be deemed to be incorporated in this Act: provided that no such bye-law shall fix a maximum number of hours of labor in excess of *sixty* nor fewer than *forty-five* per week.

In all New Enterprises Under Parliamentary Powers.

9. No person or company, other than those to whom section 5 or 6 of this Act is applicable, hereafter obtaining statutory powers or privileges of any description by private or local Act of Parliament shall employ any person for hire for more than *forty-eight* hours in any one week, and this section shall be deemed to be incorporated in every subsequent private or local Act of Parliament granting statutory powers or privileges of any description to any such person or company that employs labor of any description for hire, and to apply to all the operations of the said person or company under statutory powers or privileges, whether by that or any other Act.

Any person, or the principal manager or other chief officer of any company, employing or allowing to be employed any person in contravention of this section shall be liable to a fine not exceeding *one hundred pounds* for each such contravention.

For Young Persons.

10. No child or young person under *fifteen* years of age shall be employed for hire in any trade or occupation whatsoever for more than *five* hours in any one day, nor for more than *thirty* hours in any one week.

The provisions of sections 12, 14, 16, and 23 to 25, inclusive, of the Factory and Workshop Act, 1878, relating to children employed in factories or workshops, shall apply also to children and to young persons under *fifteen* years of age, employed for hire in any trade or occupation whatsoever; and such young persons shall, for the purposes of the Elementary Eduction Acts and the Technical Education Act, 1889, be deemed to be children of school age.

Section 26 of the Factory and Workshop Act, 1878, is hereby repealed.

PART II.

11. The Council for the Administrative County of London, and elsewhere the sanitary authority, shall have power, if deemed necessary, for the proper enforcement of the laws relating to the employ-

ment of labor or to public health, to make and from time to time amend, bye-laws providing for any of the following objects, viz.:

(1) The compulsory registration of all premises in which persons are employed for hire, otherwise than exclusively in domestic service.

(2) The inspection of all such premises by any medical officer of health, sanitary officer, or any inspector either appointed under any Act relating to the employment of labor, or specially for the purpose.

(3) The prevention of overcrowding in all premises in which persons are employed for hire.

(4) The provision of proper sanitary arrangements in such premises.

(5) The prevention of excessive hours of labor in occupations in which the provisions of Part I of this Act may not be applicable or effective.

(6) The prevention of public injury or inconvenience in connexion with the employment of labor in or about docks, harbors, rivers, tramways, telephones, establishments for electric lighting or for the supply of electric or hydraulic power, gasworks and waterworks.

Any bye-laws made in pursuance of this section shall be submitted for confirmation to a Secretary of State, and shall, when confirmed by him, be deemed to be incorporated in this Act.

The Council for the Administrative County of London and elsewhere the sanitary authority, shall have power to appoint local inspectors, clerks and servants for the enforcement of any such bye-laws, and any inspector so appointed shall possess the same rights and powers as an inspector under any of the Acts relating to the employment of labor.

12. It shall be the duty of the occupier of any factory or workshop in which any labor whatsoever is employed for hire, to specify in a notice affixed in a prominent position in the workshop or factory the time of beginning and quitting work on each day of the week, the times allowed for meals, and, if children or young persons under *fifteen* are employed, whether they are employed on the system of morning or afternoon sets or of alternate days.

A copy of every such notice and of every alteration thereof shall be sent by post in a registered letter or delivered by the employer to an inspector within *seven* days of its publication, and shall be open to

inspection at the Home Office by any person at any time when that office is open for official business.

A factory or workshop in which no such notice is affixed as herein specified, shall be deemed not to be kept in conformity with this Act.

Provided that nothing in this section shall affect the provisions of section 19 of the Factory and Workshop Act relating to the employment of women or children.

13. Notwithstanding anything contained in the sections 61 and 93 of the Factory and Workshop Act, 1878, such provisions of that Act, and of any Acts amending the same, as relate to the cleanliness, or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop, or to the sending notice of accidents, shall apply to all workshops other than those specified in clause (*a*) of section 61 of the said Act.

14. No child under *twelve* years of age shall be employed for hire, in any capacity or for any period, in any trade or occupation whatsoever, except as provided in section 3 of the Prevention of Cruelty to Children Act, 1889, which shall apply to children under *twelve* years of age; and, except as therein provided, any parent causing or permitting his or her child under *twelve* years of age to be employed for hire, and any person employing such child for hire shall be guilty of a misdemeanor.

15. No person under *sixteen* years of age shall be employed for hire in any of the occupations or places specified in the First Schedule to the Factory and Workshop Act, 1878; but nothing in this section shall be deemed to permit the employment in such occupations or places of young persons over sixteen years of age where such employment is now prohibited.

16. Where it appears to an inspector under this or any other Act or local bye-law relating to the employment of labor, that any act, neglect or default, by any person whatsoever, in or in connexion with any place in which any person is employed for hire, is punishable or remediable under the laws relating to public health, it shall be the duty of the inspector himself, without reference to any local authority, to take such action as he may deem fit for the purpose of enforcing the law, and every such inspector shall possess all rights or powers of instituting legal proceedings for this purpose which are or may be possessed by any sanitary authority, sanitary officer, or medical officer of health.

Provided that nothing in this section shall relieve any sanitary authority or officer of such authority from any duty in connexion with the law relating to public health.

17. The provisions of section 7 of the Factory and Workshop Act, 1878, shall apply to any vat, pan, or other structure which is so dangerous as to be likely to be a cause of bodily injury to any person employed in the factory or workshop, whether a child or young person, or not.

18. Notwithstanding anything contained in the 17th section of the Factory and Workshop Act Amendment Act of 1883, an inspector shall be required and empowered to inspect all bakehouses in which persons are employed for hire, and shall, concurrently with the officers of the sanitary authority, possess for the purpose of enforcing the provisions of any of the laws relating to public health, the same rights and powers as they at any time possess.

19. The provisions of the Factory and Workshop Act, 1878, and of this Act shall apply to any laundry in which persons are employed for hire, and in which washing is performed for payment for persons other than those resident in the premises on which it is situated.

20. It shall be the duty of every inspector appointed under any Act relating to the employment of labor to execute and procure the enforcement also of the Truck Act, 1831, the Shop Hours Regulation Act, 1886, and the Prevention of Cruelty to Children Act, 1889; and any rights or powers possessed by such inspectors under any Act shall be deemed to be possessed and to apply for the purposes of the execution and enforcement of all the aforesaid Acts.

21. It is hereby declared that women are eligible to be appointed inspectors, clerks, and servants for the execution of this or any other Act relating to the employment of labor, upon the same terms and subject to the same disqualifications as men.

CHAPTER V.

EMPLOYERS' LIABILITY ACT, 1880.

(See resolution of Liverpool Trades Congress, No. 1, p. 2.)

THE need for any special legislation in relation to liability of employers for injuries suffered by workmen in the course of their employment, arises from an exception, judicially declared to exist in the common law, whenever the person injured and the person causing the injury are in the common employment of the person sued. (See full statement of law and practice in Mr. Pitt Lewis's 4th edition of "County Court Practice", vol. 2, chap. 5, pp. 238-267: also part 2, pp. 78 to 242, of Report of New Jersey Bureau of Labor and Industries, 1888.) Ordinarily, at common law, an employer is liable to every person—other than a person in his employ—to whom injury has been caused by one of his servants, provided that such injury was caused by the servant whilst acting within the scope of his employment. For instance, a railway company has recently been held not to be liable to a stranger for the act of one of its servants who, returning home in a railway train, after his work had finished, left open the door of a carriage and thus caused injury to a passenger in a passing train. Under what is known as the doctrine of "common employment" it was held that an employer, although liable to the rest of the world, was not liable to one of his own servants for injuries sustained in the course of his daily work

by the act of another servant. The injured workman was deemed to have accepted the risk of such an injury as an incident of his engagement.

In 1880 an Act, 43 and 44 Vict. cap. 42 (Employers' Liability Act, 1880), was passed to restrict the employers' defence under the doctrine of "common employment"; and the statutory amendments thus made to the common law were useful to the workman and were hardly injurious to the employer. The Act was limited in its operation to the end of the Session following, 31st Dec., 1881, but has been since continued from year to year by the Expiring Laws Continuance Acts. The change effected by the Employers' Liability Act, 1880, (see Weblin *v.* Bullard, 17 Law Reports, 2 B D, 122) was not so great as is apparently sometimes believed by the men themselves. Prior to 1880 an employed person might have sued his employer (1) for injuries sustained by reason of the negligence of the employer. The employer might have escaped by proving contributory negligence on the part of the workman injured. This is unchanged by the Employers' Liability Act, 1880. The employed person could scarcely ever maintain an action (2) for injuries sustained by reason of the negligence of a fellow servant acting within the scope of his employment, or (3) for injuries sustained by reason of the employer having provided defective or dangerous implements or plant. This, because the employer had two defences on the judicially declared implied contract of service. (*a*) That in the contract of service the employed person impliedly contracted to take upon himself, as one of the obvious risks of any trade, all risk arising from the negligence of his fellow-workmen—in other words, a workman entering into a contract of service must *ipso facto* be considered to have contemplated and included

as an element the possibility of personal injury from the negligence of others in the same employment, and so, providing his employer took all reasonable care to select competent fellow-workmen, to have precluded himself from seeking legal redress in case of personal injury, the master being able to set up the contract of service itself as a sufficient answer to any such claim. This is the defence of "Common Employment". (*b*) That in making the contract of service the workman impliedly contracted to take upon himself the known risks attendant upon his employment. Thus, where plant or machinery was in an obviously dangerous condition at the time of making the contract of service, or became so subsequently, without remonstrance on the part of the employed person of a kind sufficient to negative the theory of his acquiescence in the danger, the law considered the danger itself to be an element in the contract, and that by entering into it the employed person wittingly took all risk upon himself. It did not, therefore, permit him to obtain redress from his employer in case of injury.

Section 1 of the Employers' Liability Act, 1880, gave the workman the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work. As in the case, therefore, of an action by a stranger, it is still open to an employer to set up in answer to such claims a denial of the negligence, or to prove contributory negligence on the part of the workman suing: and, in addition to these, he has the special statutory defence given by the Act (section 2, sub-section 3), which prevents the workman recovering in any case where he knew of the defect or negligence which caused his injury, and failed within a reasonable time to give information thereof

to the employer, or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the defect or negligence in question.

On the part of the men the desire soon arose for the amendment of the Act in certain details, as well as for its being made permanent. It did not extend sufficiently to all workmen; it did not include seamen. The enabling clauses of the Act of 1880 had been found defective, and had been clogged with conditions as to notice of injury and of action and amount of damage recoverable, which were deemed to have operated harshly in many cases.

In 1886 a Bill was introduced on behalf of the workmen by Messrs. Burt, Broadhurst, Joicey, Haldane, and Lockwood, which proposed to re-enact and make permanent the Act of 1880; to prohibit future contracting out; to provide that in determining compensation to the workman the Court might, amongst other things, take into consideration any payment made by the employer to any insurance fund to the extent to which the workman had thereon actually received compensation; to forbid removal to the superior Court unless amount claimed exceeded £100; to give the Court power to dispense with notice of injury in the event of the employer having knowledge of the injury within six weeks, or of there being reasonable excuse for the omission of the notice. A Bill was also introduced by Mr. Arthur O'Connor, going further than the Trades Union Bill, in that it proposed to render void contracts already made to escape the provisions of the Act.

On the 23rd February, 1886, Mr. Burt's Bill was read a second time, and referred to a Select Committee, which was also empowered to enquire into the operation of the Employers'

Liability Act, 1880; and on the 11th March Mr. Arthur O'Connor's Bill was also referred to the same Committee, of which Sir Thomas (now Lord) Brassey was chairman. This Committee sat on eighteen days, and "examined employers and workmen engaged in the leading industries, shipowners, seamen and fishermen, and legal witnesses of experience". By this evidence "a general concurrence of opinion was expressed as to the advantages which the workmen have derived from the existing Act. The apprehensions as to its possible results in provoking litigation and imposing heavy charges upon employers" were shown "to have proved groundless, while a useful stimulus had been given to the establishment of provident funds and associations, in many cases liberally supported by employers". The Committee unanimously resolved that "the operation of the Act of 1880 has been attended with no hardship to the employers, whilst it has been of great benefit to the workmen, and it is desirable that such Act should, with certain amendments, be renewed and made permanent".

The gravest matter of difficulty in connexion with the Employers' Liability Act, 1880, arises on the question of contracting out of its operation. That is, of the abandonment by the person employed of the advantages secured him by the Act. It was alleged, and, as I think, amply proved, before the Select Committee of 1886, that many thousands of men had been compelled to contract out of the Act by fear of losing their employment, or by the entering into such an abandoning contract being made the condition of granting employment. Two proposals were made, one by myself against all contracting out, which on a division was negatived; the other was a compromise proposal needing some explanation. The members of the Committee were almost unanimous in considering that a man, perhaps poor

and hungry, ought not to be placed by his necessities in the unfair position of being compelled to give up the whole benefit of the Act of 1880; the Committee therefore recommended that "No contract or agreement made or entered into with a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury, unless on entering into or making such contract or agreement, there was other consideration than that of such workman being taken into or continued in the employ of the defendant".

In the Bill introduced by the Home Secretary in 1888, clause 3 dealt with this question, and as amended, after discussion in Grand Committee, stood as follows:

1. Any contract made after the commencement of this Act, whereby a workman deprives himself of any right under this Act, shall be void, unless made in pursuance of a request, in writing, from every such workman with whom the contract is to be made, and unless it is made in consideration of such undertaking by the employer as hereinafter mentioned, and that undertaking is duly fulfilled.

2. The undertaking shall be to make, so long as the workman continues in his employment, an adequate contribution towards such insurance as hereinafter mentioned of the workman, or, in case of death, his representatives against every accident occurring in the course of his employment, and to make good to the workman, or, in case of death, his representatives, any sum which becomes payable in respect of the insurance, but which is not paid.

3. The insurance shall be to such amount and on such conditions as will insure to the workman or, in case of death, his representatives, a benefit equivalent to the compensation recoverable under this Act.

4. If any question arises whether an undertaking by an employer sufficiently complies with the requirements of this section, evidence that a similar undertaking has or has not been accepted as sufficient by persons employed under similar circumstances or in the same class of employment shall be admissible as evidence of the sufficiency or insufficiency of the undertaking.

5. On the application of a workman in any coal mine, metalliferous mine, factory, or workshop, or of his employer, one of Her Majesty's principal Secretaries of State, and on the application of a workman in

any other employment, or of his employer, the Board of Trade, may consider and decide whether a contract made or proposed to be made between the workman and his employer whereby the workman deprives himself of any right under this Act, is made, or proposed to be made, on such consideration as in this section mentioned, and if the Secretary of State or Board of Trade decide and certify that the contract is so made, or is proposed to be so made, then not only that contract, but contracts in similar terms with other workmen engaged under the same employer or his successor in business and in a similar employment under similar circumstances, shall, without further proof, be deemed to have been made on such consideration as in this section mentioned.

6. The compensation payable in pursuance of the insurance may be either a capital sum or an annual or other periodical payment to the person injured or his representatives.

7. In this section the expression "employer" shall include any person liable to pay compensation under the last proceeding section.

This clause, although it practically prevented all contracting out, unless the workman was protected by an insurance against the consequences of every accident arising in the course of the employment, was so strongly objected to by the labor representatives in the House of Commons that it had to be abandoned. It was claimed that contracting out ought to be altogether prohibited. The Select Committee had taken such evidence as led to the belief that only a very small percentage of the accidents which happened were such that an action would lie against the employer either at common law or under the Act. Many men are injured in consequence of either pure accident, that is accident arising so as not to involve any legal liability on any one to make good the injury; or in which the cause of accident is doubtful, or in which, as in explosions in mines, the character of the accident often destroys the evidence as to the manner of its arising; or in which there is such contributory negligence on the part of the sufferer as deprives him of remedy at law; and the Select Committee

believed that a contract which provided certain relief against all accidents however occurring would be beneficial to the men. The representatives of the workmen, however, say that they will not accept this view, and Parliament ought not to enforce it on unwilling men. The difficulty in the way of prohibiting contracting out, if it is to affect existing contracts, is that there are already contracts, as in the case of the London and North-Western Railway Company, to which thousands of men are parties, which it is alleged would have to be rescinded if prohibitory legislation be resorted to. The labor representatives objected that the insurance scheme was bad in principle; that they desired to secure increased safety for life and limb amongst the workers rather than to obtain pecuniary compensation for an injury which had actually happened. It is obvious that no statute defining employers' liability can secure such personal safety for the workman. The most that can be done by such enactment is to make the negligence of the employer a crime, punishing it by fine and imprisonment or by giving civil remedy for damages where no such remedy at present exists. No one as yet suggests that an employer should be prosecuted as a criminal except for criminal acts: for these the employer is already responsible, and with these the Employers' Liability Act has nothing to do. Its enactments are not even needed to enable recovery of damage for any personal negligence or misdoing of the employer. For such the remedy exists already at common law.

One advantage of insurance over mere legal remedy is that even when the workman obtains judgment he does not always realise the amount. This is especially so in trades where there are small masters. I note a case in the April, 1890, Report of the Amalgamated Society of Carpenters, where an injured workman

obtained a verdict for £100 damages and £27 5*s.* costs, but in consequence of the bankruptcy of the builder who was sued, only realised a dividend of 2½*d.* in the £1. Another advantage of insurance is that it provides a certain resource in that numerous class of cases where contributory negligence on the part of the injured workman bars his right to recover in an action.

It was alleged in the debate on the Bill in 1888, that where employers have insured against their liability under the Act there has been greater carelessness and more accidents; and I understood Mr. Fenwick, in debate on the Bill, to try to prove this by figures which, he alleged, showed that where employers had contracted out of the Act the loss of life was greater than where the Act was in force. This argument is, in any case, confusing. If employers have nakedly contracted out of the Act, then they do not need to insure, and in fact do not insure, themselves against liability under the Act, for they have no such liability. When employers insure themselves with a great company against damages possibly accruing from liability under the Act, it is when they have not contracted themselves out. It was contended at the Bradford Trades Union Congress ("Authorised Report, Trades Union Congress, 1888," p. 21), and also in the House of Commons, that insurance by an employer against his liabilities under the Act ought not to be allowed; but no attempt to prevent insurance of this kind was ever proposed by the Trades Union Bill of 1886.

The cases of mutual funds contributed to in agreed proportions by both employers and employed, to provide for specified payments against every kind of accident, stand on quite a different footing from mere insurances against liability

under the Act. But even here it is urged that "an employer who contributes by regular instalments to an accident or death fund has no inducement to take extra care to ensure the safety of his workmen. Whether there be few accidents or many, his outlay is the same." On this, Mr. A. M. Chance, who was examined before the Select Committee, writes to the *Times*, under date December 8th, 1888:

"One strong argument against sanctioning such contracts seems to be that masters will be less careful, and that accidents will be more frequent at works where such friendly arrangements are in force. In my evidence before the Select Committee in 1886 (see pages 350 to 359 of the report), I endeavored to combat this view, and the figures which I now submit, for a still longer period, tend to still further strengthen my opinion as to the advantages thus accruing to the workpeople themselves by diminishing the number of serious accidents. At these works, where some 650 men find regular employment, during the nine years 1872 to 1880 inclusive seven deaths occurred from accidents.

"On the 1st of January, 1881, the provident accident scheme which I framed came into operation, and during the eight years commencing 1881 I rejoice to say that we have not had one single fatal accident. This immunity from serious accidents I largely attribute to the greater care and vigilance exercised by the men themselves, in consequence of the interest which our scheme throws upon them."

Mr. Ruegg, a counsel of great experience in cases under the Act of 1880, and who was called by Mr. A. O'Connor, said: "I think that any good insurance scheme contributed to by the employers and workmen is far better for the workmen than their chance of recovering damages under the Employers' Liability Act".

In order to ascertain how far the Employers' Liability Act of 1880 really affected this question of improved safety to life and limb, comparison should, if possible, be made in all industries in specified districts prior to 1880, and in those districts after its passing, distinguishing where the Act was in operation

and where there had been contracting out. Comparisons between different mining districts may be wholly misleading in consequence of the difference in the dangerous character of the seams and methods of working. A practical and most intelligent miner furnished me with a tabulated statement compiled from the yearly official reports of the Inspectors of Mines, which are published as Parliamentary papers, and showing the percentage of loss of life in the very districts referred to by Mr. Fenwick, in the House of Commons, for the seven years immediately preceding the operation of the Act, and for the seven years since it has been in operation, and also showing the figures for the four years named by Mr. Fenwick; and so far from proving Mr. Fenwick's contention, it is shown in both cases that there has been a greater improvement in the districts where the men contracted out of the Act than where the Act was allowed to remain in full force. These figures seem to show exactly the opposite of Mr. Fenwick's contention, and, read by the light of the evidence taken before the Select Committee, show that the mutual funds have been accompanied with increased safety to the men. Nos. 1 and 2 of the following tables are for the districts in which the Act is in full operation. Nos. 3 and 4 are for districts where contracting out of the Act has prevailed.

NUMBER OF PERSONS EMPLOYED PER LIFE LOST.

No. 1.—Northumberland, Cumberland, and North Durham:

1874	722	1881	740
1875	686	1882	672
1876	696	1883	691
1877	727	1884	793
1878	890	1885	582
1879	716	1886	938
1880	834	1887	769
	Average—753		Average—740·71

1·6 more lives lost than before the introduction of the Act.

No. 2.—South Durham, Westmoreland, and North Riding of Yorkshire:

1874	710	1881	605
1875	709	1882	305
1876	728	1883	801
1877	570	1884	744
1878	610	1885	708
1879	823	1886	622
1880	236	1887	758
	Average—626·57		Average—649

3·5 fewer lives lost than before the Act came into operation.

No. 3.—West Lancashire and North Wales:

1874	380	1881	262
1875	349	1882	426
1876	348	1883	502
1877	318	1884	460
1878	128	1885	428
1879	407	1886	449
1880	443	1887	485
	Average—339·28		Average—430·28

26·8 fewer lives lost during the last seven years than in the previous seven years.

No. 4.—South Wales:

1874	384	1881	402
1875	404	1882	379
1876	396	1883	325
1877	367	1884	349
1878	357	1885	275
1879	346	1886	391
1880	208	1887	319
	Average—351·71		Average—348·57

0·9 more lives lost than in the seven years previous to the introduction of the Act.

The result for the four years selected by Mr. Fenwick, that is, com-

paring four years before the passing of the Act with the last four years under the Act, is as follows:

	Percentage reduction in loss of life.	Increase in loss of life.
No. 1 District, where Act is in operation	—	2·7%
No. 2 District, where Act is in operation	26%	
No. 3 District, where men contracted out of the Act	40·5%	
No. 4 District, where men contracted out of the Act	5·2%	

Mr. George Lamb Campbell, secretary to the Central Association for dealing with distress caused by mining accidents, gave most important evidence before the Select Committee of 1886 on this point. He presented tables (pp. 529-30, 31 of Report) showing death by fatal accident, disablement cases, and the number of miners' permanent societies which in 1886 had, and the number which then had not, contracted out of the Act: and in answer to questions 3496-7 he stated that the North Wales district, in which the whole of the miners were contracted out of the Act by an arrangement of a permanent fund, "shows the lowest rate of disablement accidents in the kingdom, and that this rate has been steadily decreasing since the Employers' Liability Act came into operation". This evidence gains in importance when taken in connexion with the quotation from the letter of Mr. Chance.

Strong objection was taken to the opportunity given by the Bill for employers and workmen to submit the fairness of the mutual insurance contract to the decision of a Government official; but to whom would it be fair to submit such contract for a decision? If you say that it must be left in each case to a judge and jury, then you are confronted by the workmen's just complaint that even where they recover damages heavy extra costs go to the attorney; and you are also met by the declaration

of the employer that even where he is held to be right he is, from the poverty of the workman, unable to recover. I quite admit that the subject is one of great delicacy and difficulty in its treatment.

In the Government Bill of 1890, of which the second reading was not moved, the following clause was substituted for the clause 3 just quoted:

"3. No contract made after the commencement of this Act, whereby a workman deprives himself of any right under this Act, shall constitute a defence to an action brought for the recovery of compensation under this Act, unless it is made in pursuance of a request in writing from the workman with whom such contract is to be made, and unless it is made for a valuable and substantial consideration, which is, in the opinion of the Court before which such action is tried, a reasonable consideration for the workman so depriving himself of rights under this Act, and is other than the consideration of entering upon or remaining in the employment."

This amended clause did not satisfy the labor representatives, and to me was even more objectionable, as involving possible litigation in every case. I therefore gave notice of my intention to move as an amendment to the second reading:

"That, in the opinion of this House, it ought not to be a defence in any action for damages for injuries sustained in the course of any employment that the matter out of which injury arose was caused by the wrong doing or negligence of one who was, together with the person suing, in the common employment of the defendant."

If this proposal were adopted, a short Bill of one clause would give it effect, and there would then be no necessity to make permanent or amend the Employers' Liability Act, 1880. Workmen would have precisely the same rights as everyone else, and could make what arrangements to them seemed wise to provide against the consequences of injury.

If the very strong language reported as used at the recent meeting of the Miners' Federation, presided over by Mr. B.

Pickard, M.P., be any real index to the feelings of the men, any reasonable compromise is impossible; surely, then, it is better to sweep away the exception to the Common Law which made compromise legislation necessary. The Trades Union Congress asks for the abolition of the doctrine of common employment, so that on this there is possible common ground.

FORCE OR CONCILIATION IN LABOR DISPUTES?

FORCE OR CONCILIATION IN LABOR DISPUTES?

THERE are some forms of force which almost all men unanimously reject as of application in controversies between employed and employers; there are other force-methods towards which even competent advisers of workmen and capitalists are still inclined to turn a little too readily. Such forms of the application of sheer brute force as were not uncommon forty years ago, on the part of the men engaged in some of the roughest occupations, have, in this country, nearly died out, since the legislation of trade combinations has gradually substituted open union action, and the force of a better educated opinion. When difference arises between the labor seller and the labor purchaser, the strike on the one hand, and the lock-out on the other, are applications of force which, though less frequent than in older and harder times, still occur far too often, and are advocated much too readily. The combined employers discuss the advisability of a general lock-out in a particular trade, and the workmen poll as to a strike with almost the same unconcern as military men who prepare for a bombardment or military expedition.

The menaces of strike and of lock-out are war notes, and the consequences which accompany and follow the putting the threat in action are war consequences, alike destructive and

demoralising in effect, reaching far beyond the ranks of those immediately engaged in the struggle, and enduring for mischief long after the particular strike or lock-out has terminated. There is, of course, also the difficulty, that when a strike or lock-out has commenced, it is comparatively easy for the hungrier unemployed or their less reflective sympathisers, to slide into force demonstrations, when what is conceived to be fair suasion has been disregarded. The advocacy of a general strike in all industries throughout the whole of Europe, at a date next year, and the reception of such advocacy with applause, from the majority of those to whom the proposal was addressed, makes it needful that, so far as possible, workmen should individually be appealed to, and reasoned with, as to the terrible consequences to themselves, their wives and families, necessarily consequent on any such action. In strikes limited to one industry, or to one district, and conducted by an organised union, the men on strike have never been able to subsist on their own funds, but are partly assisted by the help of grants from men working in other districts and in other industries; partly by subscriptions from the general public; and partly by credit given for food by the local tradespeople. The consequences of a general strike in all industries even when limited to the metropolitan area, as was proposed by Mr. John Burns during the great dock strike, would have been most awful in its hardships on the poor; but a general strike throughout all Britain, or throughout Europe, cannot be conceived as enduring for many days without provoking a social convulsion. I venture to hope that the utter thoughtlessness or wicked perversity which tries to ensure such a general strike, will find itself powerless against the better sense of the large majority of the workers.

Mr. Gladstone, in a recent paper on the rights and responsibilities of labor, notes that the history of strikes [in this country] has been characterised by many changes, all in the right direction. "They are more rarely marked by violent attempts of intemperate individuals to coerce the minority who do not join them." In the wise opening speech, delivered at Jolimont, by Mr. Thomas Burt, M.P., as President of the International Miners' Congress, the same keynote was most temperately struck. "Let the workmen everywhere demand and insist upon free speech and the right of combination. Let them trust to the reasonableness of their cause; let them regard as their greatest enemies, in whatever guise of friendship they come, those who counselled intimidation, violence, and outrage. Such advice was not only imprudent and suicidal, but in a free country it was wicked and criminal in the extreme."

Concurring as to the general progress that had been made, Mr. Henry Crompton wrote in 1876, "Doubtless there are parts of England and certain trades in which the relations between employers and employed are as bad now as was ever the case. There are trades in which the most brutal savagery is still the rule." It is to be hoped, however, that the working of the Education Act of 1870 has done something, during the period since that was written, to modify the state of things here deplored. It is scarcely of good omen that, at the Miners' International Congress, a few Englishmen and Scotchmen joined with their continental co-workers in advocating an international strike in all mines, to take place on the 1st of May, 1891. The proposition for such a strike, made by a Scotch delegate, was not adopted, but it can hardly be said to have been disapproved by the majority present, especially as an International Congress was decided on for April 1891,

at which the delegates are to be prepared to vote for or against a general strike. Happily no such movement can now be justified by misinformation or excused by ignorance. Valuable information is being published from time to time, in the Foreign Office Miscellaneous Series, on the labor agitation and recent strikes throughout the various countries of Europe. These papers show clearly that in Germany, France, Italy, and Belgium, the dissatisfied workers have, in many cases, allowed themselves to be very readily incited to displays of physical force which have been put down by use of the military. The labor agitation, in certain continental States, is in this respect disadvantageously distinguished from the movement of skilled labor in these islands. It is distinguished further by the fact that the right of association in Germany is surrounded by such difficulties, that the simple election of delegates to an International Congress, or the mere subscription to defray the travelling expenses of a delegate, is treated as a criminal offence. In Austria, nearly all workmen's associations may be made the subject of prosecution. In France and Italy the old fear of the "International" is embodied in penal statutes; while Germany has the bad pre-eminence of being quick in using force against discontented labor, and thus provokes force in reply. Prince Bismarck thus justifies his policy of repression. "Working men", he is alleged to have said, "are insatiable in their demands. It is no use attempting to solve the labor question by listening to them and striving to satisfy them, because God has not implanted in them the faculty of contentment."

I am not one of those who believe that contentment under wrong, or under unwholesome and vicious life-conditions, is a desirable state for any one, whether worker or employer. This

is not a theological paper, and it is needless, therefore, to discuss Prince Bismarck's curious implication that God having left working men without "the faculty of contentment", governments may and ought to at least enforce sullen acquiescence. A recent *Times* editorial pictured the German delegates as answering the advocates of conciliation and the attainment of better conditions by means of organisation, by saying: "Our experience is different. We are only here by a stratagem, and we are liable to be fined or sent to prison for coming. If we can induce the State to help us, we shall get what we want. If we attempt to help ourselves, we shall expose ourselves to the risk of being shot down for striking, or sent to prison for illegal combination."

Amongst the items of labor legislation passed, or about to be passed, by the German Reichstag, as the result of the recent Labor Conference in Berlin, are the prohibition of employment of children under twelve years of age, the limitation to five-and-a-half hours per day in the case of children under fourteen; eight-and-a-half for young persons between fourteen and sixteen; protection for older youths against night and Sunday labor; prohibition of work to women for a month after confinement, and special hours for the sex; prohibition of all industries hurtful to health; and the supervision by experienced Government inspectors of mines, factories, etc. At Halle, the other day, an assembly of members of the Reichstag also declared that it was the duty of all workmen to consider themselves comrades, with right to equality of wage and work.

One point of common pressure on the Continent, as well as at home, is in the largely-increased military expenditure, the chief burden of which falling on the worker, thereby reduces the purchasing power of his wage. Although, from the absence

of the conscription in Great Britain, the pressure is less onerous, its gravity even at home may be appreciated by those who attend to the tremendous augmentation of our army and navy expenditure. For the current year it is £38,323,433, that is, it is now three times what it was in the first year of the present reign, when £12,716,897 was the total cost of army, navy, and ordnance. Another grave increase is in local taxation, though here it may be urged that the worker receives value in improved sanitary conditions, and a higher state of comfort. Although it is true that landlord and small shopkeeper come most in direct contact with the tax-gatherer, it is equally true that the tax is recouped to these by the labor seller in increased house-rent, and in the increased price paid for the necessaries of life. That is to say, the burden rests where it can go no lower.

Whilst the right, alike of employer and employed, to determine any contract of employment in the manner provided by the original contract cannot be reasonably denied, even though that may involve sudden cessation of work, the consequences are possibly so disastrous to the worker, that neither strike nor lock-out should be resorted to until every possibility of conciliation has been exhausted. The enforcement of the conditions of an existing labor contract is still attended with possible imprisonment, as against the worker, under 30 and 31 Vict., cap. 141; for although the penalty is fine for employer and employed, imprisonment follows where there are not sufficient goods to distrain for the fine and costs, and it is rare indeed that the employer can be the imprisoned person. This is an inequality difficult to remedy, but it is an inequality attaching to the breach of no other voluntary contract between individuals. Ordinary breach of contract is only

attended with judgment for civil damages, and imprisonment for debt is abolished, except where the defendant has means and will not pay. Speaking generally, strikes are suicidal and lock-outs are murderous, inasmuch as the labor for sale is a perishable commodity, and its purchase-money is the only reliable provision for the laborer and his family. Once the hour or day has passed away, so much of a saleable commodity is entirely lost, and from any increase of future wage this lost labor value is a certain deduction. The unemployed laborer can only exist, during the strike or lock-out, by consuming previous individual savings, by exhausting his personal credit with the local tradesmen, or by living on the strike allowance provided by the Union, that fund being made up out of the previous earnings of himself and fellows. Sometimes he is aided by donations from other Unions, and by donations from the general public, or by being subsisted by voluntary charity, perhaps by himself or members of his family becoming chargeable to the parish, or by a mixture of all these sources. When the strike is successful, there is a long list of goods in pawn; debt at the grocery and baker's shop; money drawn out from the savings bank, co-operative store, or building society; children's clothing in sore condition, to set off against the success achieved. During the enforced idleness, with home comforts diminished, the public house affords an assembling place and a momentary relief, but the remedy sometimes becomes a chronic disease. Wife and children suffer permanently from every prolonged strike. One of the most successful strikes of modern times is the great Dock strike, and yet any one closely examining the condition of the population specially affected, will find many distinct evidences of continuing misery, and will not always be so clear as to the permanent

good results. This is a successful strike; but what shall be said of the recent unsuccessful Dock strike at Liverpool, where tens of thousands were reduced to starvation, in order that a victory might be claimed by Union officials? A barren victory it would have been had it been achieved. My conclusion is therefore distinctly against strikes, as exhibitions of force often most disastrous to the workers, and at best as of doubtful benefit. The only form of strike against employers which, if not immediately beneficial to the men, must at any rate be usefully educational, is where the men unite together to exploit for themselves the special industries with which they are familiar. As Henry Crompton states it in his work on Industrial Conciliation, "the only industrial scheme which really threatens the existence of the employer class is that of co-operative production". In co-operative production experiments, the men would learn at their own cost, and for their own profit, how far wage might be augmented, to what point the hours of labor might be lessened, and what capital it was necessary to provide, consistently with the maintenance of each industry. The regulations for the preservation of health, and for the avoidance of possibilities of accident in working would, in co-operative production all be within the control of the men themselves. It must be conceded that up to the present, pure co-operative production has made comparatively small headway in this country, nor does there appear any great disposition to advocate it amongst those who most strongly denounce the too greedy appropriation by capitalists of the results of labor.

The *Co-operative Annual*, whilst showing an astounding progress during the past thirty years in the sphere of co-operative distribution, has but a scant record for co-operative production, though the twain seem so nearly allied. There are

some limited liability companies, especially in Lancashire and Yorkshire, which go very close to co-operative production, shares being held by the men who are workers in the mills; but in these all the workers are not shareholders, nor are all the shareholders workers. These limited liability companies seldom give any share of profit to the worker beyond his ordinary wage.

Mr. E. O. Greening, in 1885, stated at the Industrial Remuneration Conference that at Oldham, where the dividends were declared solely on shares, speculative buying and selling of the nature of Stock Exchange gambling had been practised to a very large extent, the rise and fall in the price of shares causing "panics, during which many of the workers through fear, improvidence, or misfortune, lose their shares". "So extensively", says Mr. Greening, "is this done, that in the Oldham Mills not more than two per cent of the shares in any one mill are now held by the workers in that mill."

Lord Brassey, too, in a paper read at the same Conference, stated that "to work as a member of a co-operative association demands higher moral qualities than are required either in employers or workmen, in the more usual industrial relations," and he urged that "the co-operative plan is not adapted to trades exposed to the uncertainties inseparable from agriculture. We have seen," he said, "how spasmodic and fitful are the profits in mining and in the iron manufacture. Even in the textile industries, where the conditions vary less from year to year, a fair average cannot be taken over a period of less than ten years. These are not conditions which are suitable to men accustomed to receive the whole of their earnings as weekly wages."

The United States Consul-General at Frankfort recently reported to his Government 678 co-operative productive

societies in Germany, 146 of which are industrial and 532 agricultural.

A form of conciliatory effort to increase the remuneration of the worker may be found in profit-sharing, though, at the Industrial Conference, Mr. John Burns stated that he "regarded profit-sharing as nothing less than a delusive bait on the part of capitalists to goad the worker on to greater intensity of toil". Up to the present time profit-sharing has made even less progress in this country than has co-operative production, and the reason for this will be clear if Professor Beesly in the following words accurately states the English presentment: "The profit-sharing capitalist said in effect to his workmen: 'The profit I have been in the habit of taking I still intend to take. I mean to stick to it, and to use it for my own advantage. I do not intend to let you have any share of it, direct or indirect; nor do I mean to put by a reserve fund to enable me to keep up your wages in bad times. But I tell you what I will do: if you like to work harder, and take more care of my tools and my materials, and so create an additional profit, then I am willing to allow you, not the whole of the additional profit, but a portion of it.'" I venture to suggest that Professor Beesly here took a bad form of profit-sharing, and that it is the better side with which it is most desirable to familiarise the mind of the wage-earner.

The famous cases of Jean Godin and of Leclaire in France, clearly showed that there were other and better forms of profit-sharing than this which Professor Beesly rightly denounced. I agree that to make profit-sharing real, there must be "give" as well as "take", and that at present it is easier and wiser for the capitalist to "give" out of something already acquired.

The application of a force which used to be frequently

applied in old times against workers, is now being energetically advocated and clamored for by many workers against employers, and the principle of such application is accepted by persons looked to as leaders of great parties—I mean the force of penal law.

Lord Randolph Churchill declares that he is "distinctly inclined to prefer the advantages of State interference to the dangers which may arise owing to a great national struggle", such as was shadowed forth by the coal-miners when threatening to lay all the pits idle if their claims were not conceded. Lord Randolph Churchill did not express any opinion as to what kind of State interference was to be exercised if Parliament and the Executive Government happened to take a view hostile to the claims of the men. The assumption seems to be that Parliament will only act in accordance with the wishes of the wage-earners, but what if it goes the other way? Is military force to be used to compel the men to submit to a limitation of hours, or rate of wage, disagreeable to them? It is nonsense to suppose, when thousands or hundreds of thousands of workmen are involved in a labor dispute, that it would be possible to enforce ordinary summary process against such huge numbers. Lord Randolph Churchill, addressing the miners' delegates, said that he regarded their argument as indisputable, when they contended that they had a right to call on Parliament to give effect to what they desired in the limitation of the hours of labor. But suppose the desires of men employed in one industry to conflict, or to be imagined as conflicting, with the interests of men employed in some other industry, is the right to call on Parliament to go with those who can command the most votes?

Lord Dunraven told the miners on the same occasion that

he thinks that State interference, to regulate the hours that adult men shall work, can be justified on the ground that the laws now in force forbid Sunday labor, and that if the number of days a man shall work may be limited by law, so also may be limited the number of hours in which the man shall work in any one day. He agrees that it is difficult to disassociate the question of limiting the hours of labor in one occupation, as mining, from the larger and more general question of limiting hours of labor in other trades or in all trades. It is assumed by Lords Dunraven and Randolph Churchill, and by the miners who addressed them, that the only method by which limitation of hours of labor can be secured is, either by force of statutes or by force of strikes. Mr. Pickard, one of the most energetic amongst mining leaders, says, "We are quite aware that we could establish eight hours a day in the course of a month throughout the country at present: that is, if the owners were willing to concede the matter. But if, on the other hand, they did not, and we determined to push for eight hours by trades union effort, we should lay the whole of the collieries in the United Kingdom idle, and the very gentlemen who are now advising us to go in for trades union effort would be the very first to condemn us for conspiring to bring about the object we have in view in that way." But have trades unions now no other way than that of strikes of settling a dispute as to conditions of labor? The report of the Miners' Federation of Great Britain, claiming to have 140,000 members in the unions connected with the Federation, made a serious declaration to the Jolimont Congress bearing on this very point, *i.e.*, "This Federation does not approve of sliding scales, boards of arbitration and conciliation, as at present understood and practised where they are now in opera-

tion". This would seem to be a condemnation, alike of all voluntary, as well as of the statutory attempts, hitherto made to settle differences between labor and capital by conciliatory methods. If there were any reason for believing that this disapproval was a judgment well considered and given after full discussion, by direction of the bulk of the men, then it would be clear that, at any rate amongst the federated miners, the disposition was towards force rather than towards conciliation in future labor disputes. There are three statutes already on the statute-book relating to conciliation and arbitration. The 30 and 31 Vict. cap. 105, renders possible the establishment of Councils of Conciliation, and the 35 and 36 Vict., cap. 46 (amending the 5 Geo. iv, cap. 96), provides for Boards of Arbitration. If the employers and employed in any trade desired to have any dispute or difference as to hours, wages, or other conditions of labor, decided between them, so that the decision should be capable of enforcement, one or other of the statutes above referred to was intended to provide the means of obtaining that decision. No advantage has yet been taken of these statutes: they are a dead letter. To use the words of Sir M. Hicks-Beach, the men have preferred managing their own affairs without the help of the law. Why have not those who ask for further enactments at least tried to avail themselves of the existing laws? Mr. Crompton answered rightly when he said that "the opinion of both employers and employed, confirmed by experience, is against legal, and in favor of voluntary, arbitration outside the law". A *précis* of the new law establishing arbitration courts for settling labor disputes in Germany, is given in the *Board of Trade Journal* for March, 1890. The new legislation is a development of the former industrial code, under which local arbitration courts, composed equally of

employers and employed, might be established to decide all disputes arising between masters and workmen, with regard to questions relating to their employment. Now the central provincial authorities can compel the establishment of such courts, and their decision is made final.

Apparently the English miners do not regard the hours of labor as matter either for friendly voluntary arbitrament, or fit for decision by compulsory arbitration under the statutes just referred to.

In the particular case of the eight hours statutory limit for miners, it is not only the employers, but also the dissident employed, whom it is specifically sought to coerce by law, and this would probably turn out to be true in other occupations. Mr. Pickard admits that the miners of Northumberland and Durham are not in accord with those he represents, in the demand for statutory regulation of the hours of labor, and he fears that in some cases such a law would increase rather than diminish the working hours in his trade. But if men may legislate against their fellow workmen, may those having the majority in Parliament legislate against all others on such points? I object to legal force being used against adults, either for the levelling up, or for levelling down, in matter of hours, wage, or rate of production.

There is a very wide and growing difference in the views of trades unionists as to efficient action in cases of labor disputes. The older trades-unionism sought, and those who adhere to it still seek, to effect its objects by conciliation, by arbitrament, by give and take. This trades-unionism has my heartfelt support. Each trade is found dealing with its own grievances, and asserting its own claims, though receiving help from, and in turn giving assistance to, the other trades as emergencies arise.

From the newer trades-unionism there is a declaration that the old organisations and their conductors have failed, and the aid of the law is said to be required to compel submission from the employers where concession cannot be voluntarily obtained. General declarations in favor of "less work and more money" in all employments, are substituted for specific grievances of overwork and underpay in particular industries. With the newer trades-unionism there is more unrest, less forethought, more dash, and less steady work.

Under the old trades union methods, the leaders in a labor dispute were generally men belonging to, and who had worked at, the particular industry in which the difference arose, and were mostly the trusted officers of the trade organisation. In the newer developments, there are the names, constantly repeated, of men not in any way connected with the trade of the specific workers who are complaining; and sometimes the names recurringly prominent are those of men whose means of existence seem rather increased by the aggravation of differences between employer and employed, than by the amicable settlement of disputes.

Arbitration and conciliation between workmen and employers become more really effective as the men are better organised and as the trades organisations acquire large accumulated funds. The officers of the trades unions, popularly chosen, and fairly, though not too highly, remunerated, are able to ascertain the condition of the trade, the demand for employment, and the possible profits realised by the employer, more easily and more accurately than is possible for the individual workman. In conducting an arbitration, their arguments have the weight of the numbers they represent. The fact that the funds of the union must be dissipated in a strike, usually makes the

responsible heads of the union undesirous to embark in a trial of strength, so onerous to their financial resources, until all other means have failed. At present it is only a minority of the workers in any trade who are members of the union. The large majority of skilled and unskilled laborers stand outside their several trade organisations, though reaping some of the benefits accruing from the organised effort to secure to labor the earliest advantage from good times.

The new organisations of unskilled laborers, whilst for many reasons highly desirable, stand on a somewhat different footing from the trades unions, properly so-called, which were, and are, associations claiming a monopoly of special crafts for their own members. These trades unions are, in a certain sense, the successors of the whole guilds, except that the members usually remain in the ranks of the employed, and less frequently rise into employers. The employer too, is such by virtue of his capital and trading knowledge, and it is the exception when he has passed through the stages of apprentice, journeyman, and master in the craft. Unless the unions of unskilled laborers are held together by ably contrived benefit funds, it is extremely doubtful whether they can be maintained, as continuing organisations, for any lengthy period. As a rule the members will be more unmanageable than in associations of skilled artisans, and from the fact of their acceptance of casual labor, will be evidently men who are less able to earn a livelihood and far less capable of sustained thrift. It is to the support and development of these unions of unskilled labor that true philanthropists should direct their efforts. From those ranks our criminal and pauper classes are mainly recruited.

Several of the advocates of legislative interference with adult labor, base their claim on the ground that concessions

won by the unions in prosperous times have often been abandoned or taken away during periods of depression. This phase of the question was clearly stated by Mr. Brassey in his chapter on courts of conciliation; he looked to education to develop the usefulness of such tribunals, regarding them as more likely to prevent quarrels from arising, than to adjust real quarrels once existing. He held, as I hold, that the constant meeting of employers and representatives of the operatives at the same table must naturally facilitate peaceful negotiation, where a desire for peace exists on both sides. With constant discussion, coming events will cast their shadows before, and disputes are not likely suddenly to arise. I look for solution of labor difficulties to conciliatory converse in which wage-earners and wage-payers are often brought together, rather than to the force of law standing between and keeping them apart.

SOCIALISM IN EUROPE.

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In considering Continental Socialism and the probable conduct of Continental Socialists in any possible European crisis, the reader must bear in mind the terrible burden which labor has to-day to bear in order to defray the ever increasing charges of the enormous military army, maintained by each of the great European powers. He must add, in most countries, the incessant pressure of huge national indebtedness, so terribly augmented during the past thirty years, and of which the interest has to be paid by the exertions of national industry. He must recollect that in most European countries all Socialistic organisations have been met by repressive laws of exceeding harshness and of most irritating oppressiveness. He must recognise, as distinguishing European from British agitation, that nearly the whole male population of the Continent is trained and accustomed to the use of arms. Governments which boast their military resources ought also to appreciate the danger to themselves, in any revolutionary movement, resulting from the acquaintance of the whole population with the use of arms. A feature which must not be disregarded in estimating the action of Socialists, as distinguished from their theorising, is the habit of blind reverence of the Russian for his Czar, and in a lesser degree the obedience of the German to the head of the Empire. In France the pre-revolutionary idolatry of the

French for their King has gone; but the desire for a strong government too often finds expression even from the lips of some of the most advanced politicians.

Holding, as I do, the view that the present armed peace in Europe is as oppressive and, because of its chronic burden, almost as demoralising as any conceivable war; that Italy well illustrates the crushing pressure of military burdens; and that Russia presents to us in its most brutal forms the constant struggle between desperate force and merciless rule—I am compelled to judge modern European Socialism in connexion with that which to me seems inevitable at no distant date, and which has threatened Europe for the past dozen years at least, viz., a huge European war or a terrible European revolution. The war menace is in turn between nearly all the countries of Europe; the seeds of revolution are separately germinating in each State. As a difficulty in the path of international Socialism, or of any international effort requiring the sustained concurrence of the industrial classes, it may be pointed out how easily the passions of French workmen are inflamed against Italians, and how readily Germans and Frenchmen are induced to indulge in hostile demonstrations against each other. It has been claimed on the other hand by Socialist advocates that the growing solidarity of European workmen has prevented artisans from one country being imported by employers during strike disputes; the Trades Unions claim this action as belonging to them, and not at all to be attributed to Socialist principles. It is not easy to determine between these claims, though it must be conceded that during the past twenty years the most active of the workmen's associations on the Continent have been more or less avowedly Socialistic. M. de Laveleye regards it as due to the avowed or occult propaganda of the Inter-

national Working Men's Association that Socialism has invaded the various countries of the world; but I doubt his judgment on this head, especially when he advances as illustration that the workmen of London in 1871 applauded or excused the crimes associated with the Commune of Paris. I remember dealing very strongly in 1871 with the whole subject of the incendiary fires which followed the siege of Paris by the Versailles troops. I think I shall be accurate in saying that, though great consideration was manifested for the population of Paris, starved and maddened during the previous winter siege by the Germans, there were comparatively few amongst English workmen who extended any sympathy to those misguided men who, associated with Felix Pyat, gave way to the promptings of mad vengeance, and indulged in wanton destruction of the public buildings of Paris. Socialism had its apostles in Europe full fifty years prior to the foundation of the International Working Men's Association: it had even in England a far more active propaganda sixty years ago than can be claimed for it to-day.

With Socialism prominent in professorial theories in Italy; with the State Socialism used by Bismarck, ever at war as he has been with the Socialists, and which State Socialism is now advanced from the Imperial throne itself—even if we do not see Socialism everywhere, it cannot be disregarded as a vital factor in modern politics. Besides, there is the very grave danger that the Church of Rome, mighty even in this its latter-day weakness, and perhaps because of its weakness, may use Socialism with the democracy as a means to endeavor to win back through the people the temporal power which, even with the aid of monarchs, it has been unable to retain.

The origins of the Socialisms of to-day are to be found in

France during the last quarter of the eighteenth century, and in Germany within the past half century. I will take them in order of date, which is not, however, coincident with that of logical merit.

The earliest phases of French Socialism found echo in England between 1815 and 1848, and had our co-operative associations for permanent beneficial results—despite the complete failure in these islands of every attempt to reduce theory to practice on purely Socialistic lines. Nor, indeed, have the transatlantic experiments in French Socialism been much more successful.

It was in 1795-6 that Babœuf, Maréchal, and others planned an insurrection against the French Directory in order to establish a Communistic Republic. Babœuf proclaimed that happiness consisted in equality, and that this equality was inconsistent with the existence of any one man more rich or more powerful than his fellows. That this doctrine reduced to practice might enforce a very dead level of inferiority was not unforeseen by its promulgators. "Let all arts perish, if need be," declared the Manifesto of the Equals, "provided we obtain real equality." Babœuf sought to initiate his Communism by force, and, being answered by the force he invoked, paid with his life the penalty of failure. Etienne Cabet, a Communist of more peaceful tendency, endeavored to practice Communism on pacific lines, but, finding no room for his experiments in France, sought to establish his community in the more sparsely populated New World. The experiment has not been an utter failure, but is by no means such a success as to encourage imitators. The members were at first held together by personal devotion to their founder, but have of late years, and since Cabet's death, divided into two communities, from each of

which there have been serious withdrawals; and from the original and continuing smallness of these communities it may be urged that the sense of personal property was never entirely lost, and is now kept alive with much distinctness. Cabet preached a Democratic Republic, tending to absolute equality, with community of goods and labor.

A little later than Babœuf, and earlier than Cabet, came the semi-socialistic propaganda of Saint Simon, which sought to substitute state property for private property, but which rejected equal distribution of the products of labor. The Saint Simonians, in 1830, declared "that each one should rank according to his capacity and be rewarded according to his works". They have, as a body, been harmless advocates of theories for a far-off Utopia. Charles Fourier was another instance of the Socialist who trusted solely to pacific reasoning; and though some of his philosophy is very wild, he deserves mention because one of the most practical and successful associations of capital and labor was that founded at Guise by one of Fourier's ardent disciples—the late Jean Godin. Godin, a man of some wealth, engaged in iron and other industries, established at Guise the Familistère, in which some of Fourier's views were reduced to successful practice, at the cost, however, of disregarding many points which Fourier urged as essential. The first governmental partial recognition of Socialism in France was in 1848, when, under Louis Blanc, the right was conceded of the laborers to demand work from the Government, if they were unable otherwise to find employment. National workshops were established, which Louis Blanc desired should gradually absorb and displace all private industries. The experiments were never fairly tried, and of course failed; they were opposed from without and hardly sustained from within. It is improb-

able that they would in any case have realized the dreams of their patron. When Louis Blanc returned from his long exile he found himself regarded as retrograde by the apostles of a more extreme application of Socialistic theories.

French Socialists may to-day be roughly classed as Anarchists and Collectivists; these again being subdivided sometimes by mere personal differences. Under the Anarchists I include those who still adhere to the memory of Blanqui, and who are simply Irreconcilables, in any case without any great influence for good. The Anarchists were brought into prominence by the great trial at Lyons in 1883, their most illustrious name being that of Elisée Reclus, chiefly known in this country by his work as a geographer. In a joint declaration of principles, signed by the forty-seven Anarchists tried at Lyons, and read in court, the following passages will be found:—

"We wish liberty, that is to say, we demand for every human being the right and the means of doing that which pleases him, and of doing only that which pleases him: to satisfy integrally all his wants, without any other limits than natural impossibilities, and the wants of neighbors equally to be respected. We wish liberty, and we believe its existence incompatible with the existence of any power whatsoever, whatever its origin and form—whether it be elected or imposed, monarchical or republican—whether inspired by divine right or by popular right, by anointment or universal suffrage—the best governments are the worst. The evil in other terms, in the eyes of the Anarchists, does not reside in one form of government more than in another, it is in the idea of government itself, in the principle of authority. The substitution, in a word, in human relations of free contract perpetually revisable and dissoluble is our ideal."

Elisée Reclus, answering for himself and co-workers the question, "Why are we Anarchists?" urges, "We are revolutionary because we desire justice, and injustice reigns everywhere triumphant." After giving illustrations, he says, "All this appears to us infamous; we desire to change it; and against

injustice we appeal to the revolution;" he affirms that, "Never in history has any progress, either partial or general, been accomplished by pacific evolution; it has always been effected by sudden revolution;" and he winds up with the passionate declaration that, "as long as wrong endures, the anarchist Communists will remain permanently revolutionists".

Some of the actual Socialists now prominent in France, adopt the doctrines of Proudhon, who, vaguely affirming that Socialism is every aspiration towards the amelioration of society, declared that property is theft, and that property-holders are thieves; and, coupling this with bitter denunciation of the *bourgeoisie*, the extremer disciples occasionally resort to exhibitions of criminal violence, as in the use of explosives in labor contests. It is not, however, right to hold the main body of Socialists responsible for such outrages. M. de Laveleye well remarks that the red spectre haunts the imagination; and those who are easily frightened see revoluntionary Socialism everywhere. At the present moment France, at peace, pays out of its agriculture and manufactures no less than £80,000,000 per year in making provision against war in the future, and as payment of the charges created by war in the recent past; it is hardly wonderful, then, that as labor troubles arise, there is also a disposition manifested to shake off such a terrible deadweight on present industry.

In the Chamber of Deputies a Socialist group has been formed, consisting of Messrs. Boyer, Baudin, Couturier, Cluseret, Ferroul, Franconie, Lacluze, Theson, and Thurier, which group not merely refused to receive into its ranks, but denounced as a possibilist, the working-man deputy, J. B. Dumay, whose maiden speech in the debate on the Government match monopoly produced a considerable impression. There

are other and more philosophical Socialists with seats in the Chamber, who would probably be no more acceptable to the above group.

It is, perhaps, hardly fair to put to the debit of even Anarchistic Socialism the language used by Louise Michel and her co-workers, but it is worth notice that, at a crowded meeting of Anarchist and Revolutionary Socialists recently held in Paris, Mdlle. Louise Michel declared, amidst enthusiastic applause, that, "it was not by mere scribbling that despots could be got rid of, but with dynamite;" that herself and friends "would not be over careful of their skins," and would leave the Government "no choice but Cayenne or the firing-party". Since then, M. Weil, editor of an Anarchist journal—*Le Père Peinard*—has been convicted of publishing articles expressly encouraging the pillage of large drapery warehouses and the murder of "financial and banking vultures". The speech of M. Weil in his own defence was hardly that of a sane man: claiming that he was a revolutionist and anarchist, whose object was to secure for the people a better state of things than now existed, he justified general destruction and slaughter in effecting the change sought.

At Troyes, towards the close of last year, an association declaring itself specifically Revolutionary Socialist, publicly claimed the right to summarily put an end to private property, and to produce social equality by revolution. It advocated class war, without compromise, between the workmen and "*la classe bourgeoise*". Although a small association, it is a fair type of others frequently to be met with in the industrial centres of France.

It is not therefore without gravity that during the last few years the Socialists have taken prominent and active part in

the labor struggles in France. In that country, and indeed throughout Europe, they have done this by initiating strikes of workmen against employers; and they appear, in more than one instance, to have even promoted the strike without themselves being connected with the industry in which the dispute arose, and without regard to the possibilities of success or failure; it is further regrettable that they appear often to have encouraged the resort to intimidation and violence, in order to compel unwilling workmen to join in the movement. This state of things was especially noticeable on the occasion of the strike of the colliers of the Loire, in the autumn of 1888, when M. Bazly, who had himself been one of the leading spirits in the previous strikes at Anzin and Decazeville, went personally to the pits near St. Etienne, and, forseeing the failure of the strike, did his best to dissuade the men from throwing up their employment. He warned the strike leaders that the strike would end in nothing save disaster, since two-thirds of the colliers were not in its favor; he strongly deprecated the intimidation attempted, and he ridiculed the cry "*la mine aux mineurs*," which had been raised by the Socialist leaders to encourage the men to come out on strike. The Socialists, in various places, met and denounced M. Bazly as a traitor, but his forebodings were too well founded, and the strike ended disastrously for the men. In England, Socialists quite unconnected with coal mining were prominent in urging the Northumberland miners to strike, and for months previously to strikes in other occupations similar cases have been noticeable. In Germany, in the Dortmund district, in May, 1889, certain Socialists, not pitmen, who took a leading part in the earliest stages of the strike, urged that the laboring classes must wage war against capital as their natural and bitter enemy; and to induce the

men to come out, they professed that large sums of money were on the way from Hamburg, England, France, and Switzerland, to assist the strikers. At the instigation of some of the more misguided, attempts were made at two or three collieries to destroy some of the plant, and troops being brought on the scene several lives were lost. It may be asserted that Socialist, as distinguished from Trade, organizations essentially differ on this question of strikes. The Trades' organizations, wishful for peace and remunerative employment, seek compromise rather than war; the Socialist associations regard the strike as embittering the relations between employer and employed, and giving facilities to the Socialist propaganda.

Gronlund on this very point says frankly enough, that "it is of course to the discontented wage workers that the Socialists can appeal with the greatest chance of success, because it is to them that the rankest injustice is being done"; and he claims that "the Socialist alone lays bare that injustice". Men, who like myself, regard Socialism as the neutralization of the highest individual effort, cannot help feeling that the toiler in hunger and squalor is more disposed to listen to the impassioned tones of the one who paints most vividly the contrast between his wretchedness and the millionaire's luxury, than to the less moving story of the other, who shows how the average happiness of the worker has augmented through long generations of patient endeavor.

By the statistical report on strikes in France for the eleven years ending in 1885, it appears that there had been 804 strikes of French workmen during that period; of which full details are given in 700 cases. It is curious that while forty-six strikes were in favor of a reduction of the hours of labor, thirteen were declared by the men in opposition to a reduction of the working

hours proposed by the employers. 216,662 workmen were unemployed through these strikes, or an average of 19,700 per year; and, as a total in the eleven years, the workmen lost 5,509,367 days' employment. 106 of the strikes succeeded, in 120 instances both sides gave way, and in 427 cases the men failed.

Since the Franco-Prussian war the state of the French workmen has been one of constant pressure. The cost of living is far higher in all the great cities, the pressure of the conscription more acute. For ten years or so much was endured in the hope of *la revanche*. A special feeling of hostility prevailed against German workmen and the German nation; and though he would be a bold man who ventured to assert that this enmity has died out, it is certain that the Frenchman bears less patiently than heretofore the cost of the tremendous armaments with which Republican France has prepared itself for another struggle with Imperial Germany.

The dry figures tell their own sad story. In 1852 the national indebtedness of France was £220,647,872; in 1887, it had risen to £867,950,000. The worst feature is, that the debt of France has risen by no less than £30,000,000 since 1876—that is, the debt has increased quite apart from the liquidation of the war liabilities. The annual naval and military expenditure of France is now £36,539,560; in 1875, it was under £30,000,000. The increase in the French Budget of 1890 is mainly attributable to additional expenditure in the War department. It will be seen that, adding together the ordinary and extraordinary budgets, the Ministry of War figures for £28,413,630, and the Ministry for Marine £8,125,930. The annual charges for the national debt, including terminable annuities and interest on the floating debt, amount to

£43,900,800. The great hope against Socialism in France consists in the fact that not only is the land divided amongst a very large number of small proprietors, but that, in 1889, no less than 6,492,000 persons, or about one in six of the population, had deposits in saving banks amounting to £120,000,000.

There is in Belgium a school advocating what is described by its professors as Rational Socialism, its organ being a monthly review, *la Philosophie de l'Avenir*, which is edited by M. Frederic Borde, a disciple of the late M. Colins, who, about forty years ago, occupied the position which would now be defined as that of Possibilist Collectivist. Colins advocated the gradual nationalization of the land. M. Borde, in a letter addressed to the President of the Berlin International Labor Conference, maintains that the cause of poverty is the alienation of the land, and that to destroy pauperism it is necessary to make the ownership of land collective property. Dr. A. de Potter is prominently associated with M. Borde, and the tenor of the propaganda of these gentlemen and their co-workers is purely educational. *La Société Nouvelle* represents, perhaps, a slightly more advanced phase of national Socialism. MM. Jules and Ferdinand Brouez, Dr. A. Loin, and Dr. C. de Paepe are amongst its most prominent contributors. Belgian Socialism, so far as it can be judged from an English standpoint, may be dismissed from the consideration of this essay, which is intended to be limited to the consideration of Socialism in connexion with possible European revolution, or with war, precipitated by some reckless statesman with intent to avert such a revolution. Last summer the Belgian Socialists presented to the Paris Congress, by their delegate, M. Defnet, a piteous report of the miserable condition of the Belgian workman, who, it was alleged, worked thirteen to fourteen hours per day, with an

average wage of one franc per day, and one-third at least of the population being obliged to resort to the *bureau de bienfaisance*. Even allowing for some disposition to strongly color the report, the state of things must, as a whole, be almost unendurable. Some labor laws, the need of which were stated in the report, have been since passed by the Belgian Chamber.

In Holland, the Socialist movement has been led for some years by Domela Nieuwenhuis, a most earnest and upright man, editor of the *Recht voor Allen*, and now a member of the second chamber of the States-General. He has been the object of more than one government prosecution, and has a widely-extended popularity. A most remarkable event occurred on the 24th November last, when, with the authorization of the local civil and religious authorities, Domela Nieuwenhuis, from the pulpit of the Reformed Church of the parish of St. Anne, Frisia, delivered an address in favor of Socialism, to some 2,000 persons of all classes who crowded every corner of the church. Even opponents listened with rapt attention to his earnest pleading. Nieuwenhuis impressed me exceedingly when I met him a few years ago in Amsterdam: he has all the devotion of an enthusiastic missionary, and would be capable of dying for those he led.

There is in Denmark a certain amount of Socialistic movement, and at the January elections to the *Folkething* three avowed Socialists were successful, of whom two obtained seats for Copenhagen. The leader is M. Holm, and his Socialism is certainly not of a revolutionary character. There has recently been a sharp division amongst Danish Socialists; the more extreme section, represented by the *Arbeijderen*, having been, by formal vote, excluded from the Socialist working-men's party, whose organ is the *Socialdemokraten*.

In Italy Socialism is in its acute stages; the breakdown from continued and increasing financial deficit seems only a question of time; the expenses, chiefly military, have been in the past eight years increased by £13,500,000, as against an increased receipt from taxation of £8,500,000. During 1888-89 the tendency has been decreased revenue, in consequence of reduced receipts from taxes on various articles of consumption. The certain increase of expenditure already sanctioned for the next few years is, for 1890-91, £2,200,000; 1891-92, £3,240,000; 1892-93, £4,400,000; 1893-94, £5,200,000. In 1861 the national indebtedness of Italy was about £120,000,000; it is now £520,000,000. It is estimated that the provincial and communal indebtedness of Italy is about £43,000,000; while the debt on private mortgages of land amounts to upwards of £310,000,000. The ordinary military and naval expenditure of Italy, on a peace footing, not including the special credits, is roughly about 455,500,000 lire. The general distress amongst the Italian peasantry is of most serious character. Thousands attempt to escape by emigration, and many of the unfortunate emigrants leave their country in an utterly destitute condition. In 1886, the number of emigrants was 167,829; in 1887, 215,665; in 1888 the number had increased to 290,336, and was still larger during the past year. Amongst small tradesmen the number of insolvencies is constantly increasing. Many of the emigrants having met with a shocking fate in South America, whither they have chiefly gone, severe measures have been taken by the Italian Government against the emigration agents, who have deceived large numbers of Irish and Belgians as well as these unfortunate Italians. But to check the tide of emigration is to swell the human ocean at home, and the authorities at the Quirinal may, at any moment, have to face what is

denounced as Socialist anarchy, but which is really the revolt against suffering become unendurable. In a letter recently published by the Italian deputy, Signor Giovanni Faldella, he states that "Whoever lives in the rural districts must find himself in daily contact with the most horrible misery"; that garbage of all kinds is eaten; and that if an animal dies from disease, great care has to be taken by the authorities to prevent the peasantry from disinterring and eating the carcase. Signor Andrea Costa, the working printer, and a few other advocates of Socialism, are members of the Italian Parliament. The danger is, however, too great to be averted by the slow amelioration possible by any legislation. The military burden of Italy is beyond bearing; and a Socialism which promises food to the starving, naturally finds willing auditors. The undue sensitiveness to criticism recently manifested by Signor Crispi, and his consequent expulsion of certain foreign correspondents from Rome, arises from his knowledge of the facts here urged. The correspondent of *L'Independance Belge* had stated that the best paid agricultural laborers in Lombardy last year earned 6*d*. per day in winter, 8*d*. in summer, and that the others only earned from 4*d*. to 5*d*. per day.

Signor Costa was, with three fellow Socialists, recently condemned to fine and three years' imprisonment, on the charge of having resisted the police when dispersing a meeting in memory of Oberdank. Lazzari, and several other Socialists, have been prosecuted and imprisoned for making speeches in favor of strikes; and Sergio de Cosmo has been criminally indicted for a pamphlet entitled, 'Misery and Revolution,' of which, it is alleged, many thousands of copies have been circulated by Socialist advocates amongst the starving peasantry. A publication with the title 'Hunger Congress,' which was in the course

of printing at Turin, was seized by the police, and the type broken up.

Modern Socialism was imported into Austria from Prussia, and whilst at first spreading much more rapidly in the Austrian Empire, has usually been advocated with less violence than in other parts of Europe. Notwithstanding this comparative moderation, the Viennese Government has always regarded the Socialism of the International Working Men's Association as in the highest degree dangerous to the State, and the Ministry showed especial alarm some twenty years ago when Austrian and South German delegates attending the Eisenach Congress formed the chief supporters of the German Social Democratic Labor Organization.

The official organ of Austrian Socialism was, until recently, *Die Gleichheit:* but this journal has succumbed under numerous fines inflicted by the Government, and in consequence of the imprisonment of its editor, Dr. Adler. It advocated Communistic Socialism, and has been replaced by a weekly at Vienna, the *Arbeiter-Zeitung*, the chief contributor to which journal is Herr Kautsky, a very learned man, and a most able exponent of the Socialist theories of the Marx school. The Austrian Government has prohibited the passage through the post or the importation of 230 home and foreign journals suspected of Socialism.

In Austria, where nearly every socialistic organization has been the subject of prosecution, Socialism is really the expression of intense misery consequent on acute poverty. Starvation, bordering on famine, is officially reported as prevalent at the present time amongst the Galician peasantry. It is hardly wonderful therefore that a Peasants' Union has been formed to agitate against the large landholders. In the coal districts

of Moravia and Silesia there is a great strike now proceeding, and fatal results have followed collision between the military and the workmen. This strike is only one of a numerous series prevailing for the past three years. The *Times* correspondent writes:—"There is great restlessness among the laboring classes just now throughout Austria. Scarcely a day passes without more or less serious demonstrations in one of the provincial capitals or industrial centres."

Though the military expenditure of Austro-Hungary does not seem so disastrous in its oppressiveness as that of its neighbors on either side, it still shows a serious increase during the past ten years, being about £8,500,000 in 1889, as against a little over £6,000,000 in 1879, these sums being exclusive of the sum of £1,200,000 for Honveds charged on the Hungarian budget. Austrian finance, however, mostly shows an annual deficit, and the industrial population complain bitterly of the pressure of fiscal burdens, which are considerably heightened by the charges of the public debt, which in 1879 involved an annual expenditure of £9,650,000, since increased to £12,436,000. The total imperial debt of Austro-Hungary is a little over £305,000,000, which shows an increase of nearly seventy millions sterling since 1876.

Although the names of Bakounine and Krapotkin have sometimes been prominent in connexion with French Revolutionary Socialism, and Prince Krapotkin has not concealed his desire to familiarize Frenchmen with the use of the terrible weapons which chemical science places within the reach of the very weakest, I am inclined to doubt whether the theory of Socialism has much influence amongst the peasants in Russia. The movement to-day called Nihilist is not Socialist: it is the reaction of despair against brute force. Its crimes are begotten

of the chronic criminality in the rulers, on which such lurid light has just been thrown by the revelations from Siberia, and with which, during the past few years, we have been familiarized in England, by the writings of Stepniak and Tikhomirov.

Stepniak described the present Nihilist movement as initiated about twenty years ago, "by a set of young enthusiasts of socialistic creed," and adds that "now under the influence of internal causes, and the great spread of disaffection in the country, it is tending to transform itself into a vast patriotic revolutionary party, composed of people of various shades of opinion, united in a common effort to destroy a tyranny obnoxious to all". It is true that the programme of the Narodnaia Volia party declares that "only on socialistic grounds humanity can become the embodiment of freedom", but this is a little vague, and the declaration of "immediate purpose" is much more distinct, *i.e.*, "the liberation of the nation from the oppression of the present state by making a political revolution with the object of transferring the supreme power into the hands of the nation". Only two of the articles of the programme are necessarily socialistic, viz., "Nationalization of the Land: Series of measures tending to transfer the possession of fabrics to workmen". Indeed the second might be affected by co-operation, or by the extension of the limited liability principle. Some of the articles of the programme appear to be non-socialistic, or, at any rate, quite consistent with private property in capital.

To outsiders, the Russian *mir* with its communal tenure of the soil, and its almost despotic control of the private life of its members, seemed already of a socialistic character, but whether a relic of the Socialism of barbarism, or a first-fruit of a Socialism of civilization, is not so easy to determine. There

are two kinds of peasant landholders; the Tchetvertniks, who hold their land as private personal property, the quantity being determined by a complicated process of division yielding very unequal results; and the *mir*, in which the lots of land of each citizen are equal, the amount of land varying in proportion to the number of male inhabitants. The possessor only enjoys the use of his lot, he has no power to alienate. It is said that the institution of the *mir* is gaining ground. The large number of works and factories belonging to the State might be regarded as favorable to State Socialism, but the miserable condition of those employed, shows at least that State control of industry is possible without real benefit to the workers. The chief industry of Russia is agriculture; the major part of that industry is in the hands of the peasants, who, since 1861—by the terms of the statute of emancipation from serfdom—have paid the nobles a sum estimated at 800,000,000 roubles for the redeeming of the land then assigned to the peasants. The Government took the payments from the peasants, giving bonds for a much lesser amount to the nobles. Our Foreign Office report for the current year shows, that "having at their command a suddenly and unexpectedly realized capital, a large proportion of the Russian nobility soon squandered their fortunes". Of the lands remaining nearly forty per cent are now mortgaged. And the Foreign Office report states that the borrowers having continually failed to pay the interest due, "mortgages have been necessarily foreclosed and an immense number of estates have been thrown on the market. Land is now in many provinces almost unsaleable, for there is no capital available for its purchase; the peasants have none, the nobility have none; and by recent legislation the Jew and the foreigner have been debarred from purchasing in the most important western pro-

vinces." It is alleged by Tikhomirov, that the land assigned to the peasants in 1861 was inferior in quality, and less in quantity than they had been led to expect; that the holding was fettered with harassing restrictions, and that the peasant was overwhelmed with taxation. "Poor and riddled with debts, the peasant cannot make any improvement in his land; he is obliged to cultivate it anyhow." It is not difficult to understand how the cry "Land and Liberty" has found favor with the Russian peasant. It is probable that in the great towns, a sort of anarchic Socialism is popular with the more educated talkers and writers, but the discontent is against the crushing functionary rule of which the Czar is the head.

Stepniak, who speaks of the Russian peasants as a very patient, all-enduring race, cowed by traditional subjection, says—"they are moreover, quite isolated. No separate peasant rising has any chance of victory, and no simultaneous rising is possible. They rise out of sheer despair when they cannot bear any more, when their condition is such that they have either to die from hunger and misery, or to take the law into their own hands."

Bakounine, who has always been labelled as a typical Nihilist, wrote, "Communism I abhor, because it is the negation of liberty. I abhor it because it concentrates all the strength of society in the State, and squanders that strength in its service." Bakounine was essentially a revolutionary; twelve years of imprisonment and Siberian exile bore fruit in his declaration which, "admitting no other activity than that of destruction," recognised poison and the poniard amongst the forms in which such activity ought to express itself.

Whilst a peasant revolution in Russia seems possible in the present state of misery, often approaching famine, and whilst

agrarian crimes have certainly been on the increase during the past decade, Stepniak, who writes with knowledge, says—"the revolution of to-day is a town revolution, and is quickly approaching". Still, a serious revolution might be possible in Russia without necessarily extending into Europe proper; to me the danger is that the Czar by fear, or the Czar's advisers by design, may use, or be driven to use, the huge military force in war, as a means of evading the pressure of impending revolution, and of distracting the national mind by the raising of so-called national questions; a policy in which the rulers of civilized and uncivilized countries have alike proved apt. Stepniak is of opinion that Russian revolution will affect the whole of Central Europe, but he considers that "a vast union of self-governing states and provinces is the only form in which a free Russia can mould herself". I venture to doubt whether there is sufficient evidence for the probable, or even possible, sudden creation of such "a free Russian federation" as Stepniak hopes for.

Georg Brandes, in 1888, pictured the present condition of Russia as "the product of a reaction now twenty five years old, constantly fortified anew by insurrections and attempts at assassination," and accepting this view many educational experiences seem likely to precede "a free Russian federation". M. de Cyon, in his recent paper on France and Russia, complains that the representatives of the Czar received no invitation to the labor conference convened by the German Emperor at Berlin.

Russia's acute difficulty, as that of Italy, is in the desperate state of her finances. Her public debt to the 1st January, 1889, was £719,232,000, an increase of no less than £317,000,000 during the past twenty years. Her annual expenditure for

1888-9 was £89,516,000; in 1871 it was less than £50,000,000. Of this, in 1871, war and marine expenditure on peace footing figured for about £18,400,000.

The war expenditure of Russia for 1890, stated in paper roubles, of which the exchange value is officially fixed at 22·33 pence per rouble, is 222,041,314; the marine expenditure is 39,193,553. Mr. Law, our *attaché* at St. Petersburg, notes that the greatest increase on the military budget during the last five years is to be found this year, exceeding that of 1889 by 6,500,000 roubles. He adds that "Russia is determined not to be left behind in the costly European military competition".

The Socialism of Germany I regard as the most dangerous to the peace of Europe, partly because it is the most logical, partly because it has during the past twenty-five years been kept down with an iron hand, chiefly perhaps because first Prince Bismarck, and now the Emperor, have in turn shown that they regard State Socialism as practicable. Germans are now educated enough to suffer much from adverse life conditions, and the military training of the huge majority will render them so dangerous in any revolutionary social movement that it was always possible that a masterful ruler like Bismarck might have given the nation the excitement of war to divert the masses from too near an approach to revolution. What the Emperor will do, or can do, it is very hard to say. If rumor does not do him injustice he thinks that it is possible to fix the rate of wages by imperial decree—a task as feasible as that of hindering the incoming tide by planting Canute's chair on the beach. No less than thirty-five Social Democrats, returned by a larger number of voters than that commanded by any other political party, have seats in the present Reichstag, so that the parliamentary expression of Socialism ought to be full, especially

as many of those elected are men of eminent ability. A dozen years of repressive anti-Socialist legislation have brought about this triumph. In Saxony, where the law has been most oppressive, the Socialist success has been greatest. In January of last year, at a bye-election for the Reichstag, the burgomaster of Offenburg placarded the following announcement:—"Whoever votes for the Socialist candidate, Adolphe Geck, will be liable to a fine of 1,000 marks or six months' imprisonment". In 1884, when the parliamentary representation was much more scanty, the remarkable writer using the *nom de plume* of Comte Paul Vasili truly said of the German Socialists in the then Reichstag: "Never did a political party better defend a desperate cause, never did a mere handful of men give proof of more indomitable courage and virile energy". Having a most difficult position to sustain in the German Parliament, Herr Bebel and his friends have shown a firmness, an independence, an ability and persistence worthy of high praise.

It is not easy to judge the German Socialists by their conduct in exile, for the judicial revelations from Switzerland have made clear that in that country at any rate the German police have not hesitated to employ *agents provocateurs*, who, pretending to be exiles, tried to draw the unfortunates with whom they came in contact into plots and projects of dynamite and incendiarism.

The actual leaders of German Socialism during the recent elections were Bebel, Grillenberger, Liebknecht, Meister, and Singer. Their calm attitude helped to preserve the peace despite great provocation, and showed a sense of the enormously augmented voting power behind them. It was the first occasion on which the electoral body had been able with reasonable freedom to pronounce its judgment against the

anti-Socialist laws, and nearly 1,400,000 voters on the 20th February polled for Socialist candidates, being an increase of upwards of 600,000 votes since 1887, and an increase of more than 800,000 votes since 1884. These votes of February, 1890, were the popular answer to the recent great government prosecution of more than eighty Socialists, including the deputies Bebel, Grillenberger, Schumacher, and Harm. The trial of these men at Elberfeld lasted some twenty-seven sittings, 468 witnesses being examined; forty-three of the accused were acquitted, including Bebel, Grillenberger, and Schumacher. Their parliamentary colleague Harm, less fortunate than they, was sentenced to six months' imprisonment, and the remainder to various terms of imprisonment ranging from eighteen months to fifteen days. The chief charge against all the accused was of being members of a secret Socialist organization. The answer, most eloquently and clearly put by Bebel, was that everything had been done openly and publicly, without either mystery or secrecy; they admitted frankly their Socialism and denied the charges of secret conspiracy. The worst feature of this long trial was the clear proof that German police agents had, with the knowledge of high officials, themselves endeavored to incite to the commission of crimes of violence. What the rulers do in militarizing the whole of the German people tends to make the poorer peasant-soldier a ready disciple of the doctrine that he is entitled to use force in order to avenge wrong or to redress injustice.

The recent action of the Emperor William on labor questions is said to be inspired by the State-Socialist Hintzpeter, who is a disciple of Rodbertus, the father of modern German Socialism. But who can say how long the inspiration will endure? The Emperor is described as of a fiery temperament,

which manifests itself in unreasoning flashes, in mystic thought, in bizarre conceptions, and in general impulses; a temperament which, however, the least obstacle transforms into ebullient rage. Will William II, when he finds that rescripts are not four-leaved shamrocks, patiently persevere in a good intention of labor amelioration, or will he try the sabre where the pen has been blurred or hindered? Professor Ely describes Karl Rodbertus "as one of the ablest Socialists who ever lived", and as "perhaps the best representative of pure theoretical Socialism". Rodbertus was a member of the National Assembly in 1848, and of the Prussian Legislature in 1849. He was, for a brief period, Minister of Education, and would probably be regarded to-day as too retrograde by the bulk of the German Socialists. He taught that there were three stages in economic development. In the first, private property in human beings existed as slavery, serfdom, and vassalage. In the second, private property in capital was a social institution. In the third, private property in income was alone to be allowed. He did not, however, propose any summary or immediate prohibition of private property in land or capital, but spoke of the abolition of pauperism by Socialistic methods as the work of centuries.

Whilst Rodbertus would have relied on gradual and slow progress, the communistic party which grew up was more impatient, and declared that its aims could "only be attained by a violent overthrow of the existing social order". Nor is this matter for surprise; the hungry cannot wait, the oppressed with knowledge of power will not wait, for an amelioration of life conditions which may benefit their great grandchildren, but does not at once bring food or comfort to themselves. Those now suffering are not content to tunnel the mountain which

bars the path; they prefer to try to blow it up, even at the risk of being crushed by the falling *débris*. A prominent German politician is credited with the declaration "that bread and corn are dearer in Germany than anywhere else in the world". No wonder if those in need of food and with scant means, or with none at all, listen with eager ears to the most extreme and most violent Socialist advocacy. There is one point on which Rodbertus wrote with great distinctness, namely, the hours of labor. The term normal working day does not mean with him a legally determined number of hours per day. He expressly says that the expectation that such a normal day will protect the laborers from the greed of their employers and secure them fair wages is entirely without foundation. He regards the legal limitation of the period of labor, in the case of adult males, as impracticable and indefensible. He maintains that the State has no right to say to a free man "You shall work no more than so many hours daily". Probably Rodbertus would find few supporters amongst the German Socialist leaders of the present day.

The philosophic Socialism of Rodbertus was temporarily lost sight of in the popular Socialism of Ferdinand Lassalle, whose force and influence were dissipated in the wars which, despite the International Peace Congresses, succeeded each other in Europe with terrible rapidity, until Prussia had won for its king the Imperial Crown, and Germans had been dazzled with an unity welded on the battlefield, and either needing, or at any rate having, constant increase of armed force to sustain it. To secure the military service serious difficulties were raised against emigration; men who might have found content in the Western Prairies, were retained to be discontented in the shadow of Berlin.

More logical, though less popular, than Lassalle, Karl Marx stands as the exponent of revolutionary Collectivism in his declaration of war against the *bourgeoisie*. In his attempts at the international organization of Socialism Marx signally failed; but as a German his influence has been enormous amongst his own countrymen, and his name has, during the past seven years, been used in England as though his grave had been a fertile garden for the growth of his views on capital and labor. There is no space in this paper for the discussion of his theories of value, which are most pressed on this country by men who understand them least. All I am concerned to note here is his inspiration of the German social revolutionary movement, of which many of the active workers have nevertheless devoted themselves more to peace and reform than to the war of classes, of which Marx sounded the advance.

The outspoken declarations of Bebel, Liebknecht, and Frohme, in the late Reichstag, against the militarism of the Empire, and especially the remarkably eloquent protest of Bebel, offered in the name of German workmen, against war and annexation, gain additional force from the recent re-election of these orators of the people. I firmly believe that if the laws which prohibit Socialists from speech publication and association were all repealed, a more moderate tendency in politics would be the natural outcome of German general education.

In the case of Germany figures are fearfully eloquent. In 1883-4 the Imperial expenditure was £29,363,000, in 1888-9 it had increased to over £60,000,000. Of these in 1883-4 the army and navy cost about £20,250,000; in 1888-9 this sum had augmented to nearly £39,000,000. In 1873, Germany had practically no Imperial debt; in 1887 the

debt of the Empire had grown to £33,727,000, and it has since increased.

International Socialism would have but small influence in Europe, but for the foolish action of the several Governments, who drive into exile, chiefly into Switzerland, the most active spirits, who are thus thrown together in moods of despair, and in desire of revenge. Those who go to the new world leave behind them their native troubles, and, seeking life in the trans-atlantic territories in which they settle, there utilise their energy in the struggle for happier existence. Those who are unable, or unwilling, to go further than the cantons of the Swiss Federation, are near enough to hear the repeated cries of their oppressed countrymen, and have little to divert them from the work of conspiracy against the rulers who have given personal cause for hate. It is about eleven years since, that at the Socialist Congress at Wyden, Switzerland, it was resolved to erase from the programme the limitation of proceeding by legal means. Prince Bismarck, and those who in other Governments had copied him, had made work for legal reforms almost impracticable. The exiles resolved to meet force by force, the sword of the State was answered with the poniard or the pistol, or, worse still, by dynamite or other explosive. As the advocacy of such means could seldom be open, secret conspiracy involved traitorous betrayal. Police spies to track out criminal endeavor were sometimes the first to incite the plot or to furnish the pecuniary means of mischief to the plotters. Taken at the best, these Socialists in exile are very dangerous, for they are very earnest; to use the words of Laurence Gronlund, they "aim at revolution and care not a jot about reforms".

Two international Socialist Congresses were held at the

same time in Paris last year; one, called "Marxist", was attended by eighty-two German delegates; at the other, described as "Possibilist", not a single German delegate was present. An unsuccessful attempt was made, on the initiative of Signor Costa, to amalgamate the two Congresses. Delegates were present from Belgium, Holland, Poland, Italy, Austro-Hungary, Denmark, Spain, Portugal, and Switzerland, as well as from England and the United States.

Of Spanish Socialism I have said nothing in this paper. In speech it is chiefly of the Anarchist type, as exemplified at a meeting held at Valencia on April 21st, when a meeting of some two thousand persons, stated to be of the middle and working-classes, unanimously declared in favor of a social revolution which should sweep away the capitalists and the privileged classes.

May-Day throughout Europe has passed with sufficient of general demonstration to give cause for most serious thought, though without the uprising feared in Austria, or the mischief publicly threatened in France. Under the Republic of M. Carnot there have been wholesale arrests in Paris, and it is not easy to believe that they have all been necessary. Under the Austro-Hungarian Empire in Vienna, where shopkeepers and merchants seemed utterly panic-stricken, great military preparations were made to meet a movement of anticipated grave revolt. Did the authorities and middle class alike deceive themselves, or were the intending rioters overawed? Throughout the German Empire there has been, on the whole, a moderation, due, perhaps to consciousness of great strength, and though some of the gatherings were not as large as anticipated the universality of the manifestations has been remarkable. Amongst the Italians and the Dutch some repres-

sion, but as a rule, fairly good order. In Spain a little more friction, and the state of siege proclaimed in Barcelona. The only thing very clear is that the avowed Socialists, without any commanding leaders, have managed to utilise hunger needs to an extent of concurrent action throughout Europe pregnant with warning to all who wish for peaceful progress.

A STARVED GOVERNMENT DEPARTMENT.

A STARVED GOVERNMENT DEPARTMENT.

WHEN lecturing in the United States, in the winters of 1873 to 1876, I was much impressed by the steps which had then been taken by some of the State Governments to ensure, through a department called the "Bureau of Labor Statistics", the collection of all statistics directly and indirectly relating to labor, and I watched carefully as State after State (and ultimately the Federal Government) adopted more efficient methods for procuring and publishing such statistics. I determined to introduce like methods in this country, and one of the earliest successes I obtained in the House of Commons was immediately after the close of my Parliamentary struggle, when, on March 2nd, 1886, I induced the House to unanimously assent to a resolution that immediate steps should be taken to ensure, in this country, the full and accurate collection and publication of labor statistics. In my speech to the House I detailed what, in my opinion, such statistics might specify, *i.e.*:—

1. The character, and number of each character, of the various industries of the United Kingdom, number of persons and amount of capital employed in each, specifying when any of these industries are increasing or diminishing, and why, and whether any special industry is limited to any particular locality, and the reasons, if known, for such local limitation.

2. The hazardous nature or otherwise of each class of industry

with the results to life, limb, and general health and habits of life in each industry, giving also particulars as to laborers' dwellings, and whether held from employers, and on what conditions.

3. Showing how many cases of exploitation in each industry by limited liability companies or other corporations with their subscribed and actually paid-up capital, and profit, and loss, distinguishing cases where workers to any extent share profits.

4. The minimum, maximum, and average amounts of capital embarked in each industry, distinguishing fixed and floating capital, the raw material used, the gross wages paid, the value of manufactures produced, and the gross and net profit.

5. The individual wages paid in each industry, distinguishing men, women, boys, and girls, and specifying highest, lowest, and average wage; also showing whether wage paid weekly or at longer periods. and in the latter case, whether companies' shops exist; also showing the longest, shortest, and average number of hours worked per day, and the industries in which there is both night and day work; and showing the average duration of employment in each industry during each year, and showing the cost and nature of living, including rent, food, clothing, necessaries, and luxuries: specifying the cases: (1) in which the earnings of individuals and of families, where more than one individual was wage-earner in a family, were large enough to leave a surplus beyond fair subsistence; (2) in which the family has subsisted without incurring debt or receiving poor-law relief; (3) in which the earnings did not equal the cost of subsistence. Showing what trades and friendly societies exist in connexion with various industries, with the amount of subscriptions and accumulated capital of each, with annual amounts spent in strikes, sick, and other relief, &c., and whether such societies are registered under the Friendly Societies Acts; number of unionists and non-unionists in each trade; comparative states of trades in which unions exist extensively as against those having no unions; amount of savings' banks deposits, and occupation of depositors.

6. Statistics of other countries where any, and in which, similar industries are carried on, with similar details where ascertainable.

I then thought, and still think, that the whole of the above details would be most useful in preventing and diminishing labor strife. The existence of reliable returns would prevent the acceptance of exaggerated and misleading statements. In industries where joint boards or councils of conciliation exist

such statistics would be helpful as illustrating possibly competing manufactures. The Right Hon. A. J. Mundella, who was then President of the Board of Trade, took a warm interest in the matter, and appointed Mr. John Burnett, who had been for many years a respected trades union official, to the newly-created office of Labor Correspondent of the Labor Statistical Department of the Board of Trade, of which department Mr. Giffen fittingly took charge; but, in consequence of Mr. Gladstone's defeat on the Irish question, the further control of initiatory steps passed into the hands of Lord Stanley of Preston, who was also very favorable to the project, but found difficulty in getting the Treasury to go to the extent required. In August, 1886, a memorandum (Parliamentary Paper 48, Session 2), was prepared by Mr. Giffen, whose well-known work has always tended in the direction of providing accurate statistics, outlining what the Board of Trade ultimately proposed to do; and although this was much less than I had asked, the scheme was still so substantial that I gladly accepted it. This memorandum stated that the Government proposed:—

1. To collect and arrange the statistics relating to wages which have been published in Parliamentary Blue-books during the last fifty or sixty years, with the addition of some prominent and authentic unofficial statistics which have been published from time to time, or which may be easily procurable, so as to furnish a tolerably complete picture of the progress of the community in respect of the earnings of the wages-receiving classes during the period in question.

2. To supplement these statistics by similar statistics regarding foreign countries which have been published from time to time in the reports of her Majesty's Secretaries of Legation and Consuls, or which the Board of Trade may be able to compile from the official publications of foreign Governments in their possession, with the assistance to some extent of unofficial records containing authentic data.

3. To collect and arrange similar statistics relating to the savings and general conditions of the same classes, the prices of commodities,

and other matters in which the masses of the community are vitally interested.

4. To make immediate arrangements for obtaining from time to time, in future, a fuller record of wages, with special reference to hours of labor, slackness or abundance of employment, and the proportion of the wages-receiving classes at each rate of wage or earnings, than has yet been procured in this country, and for the regular collection and publication of such statistics from time to time.

5. To collect and arrange statistics as to prices, production, cost of living, and other matters, which could either be embodied in the volume containing a record of wages, or be published separately, as may be found convenient. The same with an annual summary relating to wages, prices, &c., in foreign countries.

It will be expedient [it was added] in the course of this work to publish numerous papers containing information of immediate practical use to those interested, and the Board of Trade propose to issue such papers, as well as annual reports and statistical volumes.

Unfortunately, the performance has fallen very far short of the promise, and it is alleged that this is because the Treasury, which is lavish when dealing with the War Office or Admiralty, starves the Labor Department. Personally, I found in the three successive Presidents of the Board of Trade, from Sir H. G. Calcraft, and from Mr. Giffen, the most kindly disposition to extend the work.

Clause 1 of the above memorandum was partly carried out in 1887 by the presentation of Parliamentary Paper C. 5,172, giving in Part 1 particulars of wages paid in a considerable number of industries between 1832 and 1853, and in Part 2 giving like particulars for a larger number of industries for some of the years between 1855 and 1883. To be more than historically useful, or available in the avoidance or settlement of labor disputes, these details should be published frequently, and should be much more complete and more methodically tabulated than was done in this paper. In reference to the textile trades, two Parliamentary Papers (C. 5,807 in 1889

and C. 6,161 in 1890) give the numbers of men, women, boys, and girls employed, the hours worked, and the rates of wages paid in those industries on October 1st, 1886. It is to be noted that the Department, in August, 1889, pleads as excuse for its long delay in presenting these papers "the absence of a sufficient staff to execute the work", and in July, 1890, Mr. Giffen again laments "the inadequacy of the staff". What has been done for the textile trades up to October 1st, 1886, should have been done for all industries, and there should be no hesitancy in providing sufficient clerical assistance for this purpose. The cost would be slight compared with the money voted for torpedoes, and the result would be that, if labor war were not averted, the fighters, at any rate, would not strike in the dark. There ought to be no real difficulty on the part of a properly equipped department in making such returns annually, and in publishing them at latest within six months of the date to which they are made up. It is true that some valuable but irregular and insufficient information may, on many of the points covered by Nos. 1, 2, and 3 of the Memorandum, be incidentally found in the Commercial series of Parliamentary Papers, and in the *Board of Trade Journal*, ably edited and published monthly. Working men have seldom the opportunity to make troublesome searches; the information should be made easily accessible. The only regular publication of the Labor Statistical Department is the annual one intituled *Statistical Tables and Report on Trades Unions*, of which three have appeared: C. 5,104, 1887; C. 5,505, 1888; and C. 5,808, 1889. These, to me, are very disappointing papers, as showing the very small extent to which even the skilled and organised workmen, who are now on so many topics asking for State interference on their behalf, are disposed to help the Executive

with the information necessary for wise action. In 1887, only eighteen trades unions furnished Mr. Burnett with materials for his report, although he made requests to 150 unions for such information. There were then 252 such unions actually registered as friendly societies, though only 187 of these made the returns required by law. In 1888, like application was made by Mr. Burnett to 312 trades unions, but 207 of these societies gave no information, many of them not even condescending to acknowledge the receipt of the request. Of the 105 unions whose officers did answer, several of the replies were "not available for publication on account of their incompleteness", and the report issued by the department dealt only with eighty-seven trades societies. In 1889, the number reported on was increased to 104 societies, with 373,904 members, but these are stated to represent only one-third or one-fourth of the known societies, and, if the recent Liverpool Congress estimate be accurate, include much less than one-fourth of the total membership.

Whilst I am very hesitant as to adopting the American labor legislation, which, at any rate in many States, makes the supply of such statistical information compulsory under penalty, I venture to hope that trade societies availing themselves of the provisions of the Friendly Societies Acts may be required to make the requisite returns to the Labor Correspondent of the Board of Trade as a condition of their being kept on the register. There has been a marked improvement in the quantity and quality of each of Mr. Burnett's yearly reports on trade unions. He tells us that in the more important cases he has made special efforts to obtain statistics, but plaintively records "that these endeavors have met with very limited success".

An attempt of most praiseworthy character was made to collect returns of the expenditure and income of working men in various industries, and the result is given in Parliamentary Paper C. 5,861, 1889. Inquiry schedules were sent out to selected workmen and to trade union officials, also to the officers of co-operative associations. Alas! "Very few of the forms sent to co-operators have been returned." In fact, to 730 inquiries which were sent out in 1887 to all parts of the kingdom, only thirty-six answers in all were received, and two of these proved too imperfect for use. Six replies were given by miners, five of these from one county, Northumberland; five by joiners; eight by engineers; two by shoemakers; three by lithographic printers; two by agricultural laborers; two by clerks; and six as follows: spring-knife cutler, cord cutter, weaver, general laborer, stoker, and engine-tender. Such a return, embracing a fair proportion of our national industries, would be almost invaluable; but thirty-four instances afford a basis much too slight for any effective conclusions. It seems to me that a year and a half was far too long a period to occupy in analysing and tabulating these thirty-four returns. Mr. Burnett pleads that "the department has been so much occupied with procuring statistics of money, wages, trades unions, strikes, and other matters that it has not been possible to do more". My reply is, then make the department stronger. I have some reason for believing that communications in this direction are now taking place between Sir M. Hicks-Beach and the Treasury, which I trust may be favorable: in any case it will be my duty to press this upon Parliament on its reassembling. The only paper yet presented to Parliament under heading No. 2 of the Board of Trade Memorandum was in 1888, C. 5269, extracted from the report

of a Royal Commission appointed in 1886 in Belgium to inquire as to the condition of Belgian workmen, their wages, and recent fluctuations in the industries in which they were engaged. Numerous miscellaneous notices have, however, from time to time, appeared in the monthly issues of the *Board of Trade Journal*. Such notices for 1886, 1887, and 1888, are catalogued in Parliamentary Paper 433, 1888, and form part of the official memorandum explaining the progress made by the Board of Trade towards carrying out the resolution of the House of Commons of March 2nd, 1886. For 1889 and the present year, search must be made through the *Board of Trade Journal*, the recent numbers of which are richer in information than their predecessors. Surely on the back of one of Mr. Burnett's periodical trade union reports an index catalogue might be given to these and to all other official publications containing labor information within the scope of the Board of Trade Memorandum, drawn up by Mr. Giffen in August 1886. Some of the consular and diplomatic reports contain matter of the very highest value alike to employer and employed, but it requires skilled guidance to know where to look for it. It should be part of the duty of the Labor Correspondent to regularly point out, for the benefit of workmen, where these important statements may be found. In merest justice to the Labor Statistical Department it should be mentioned that, in addition to the papers above referred to, there were published in 1887 a memorandum on the immigration of foreigners (No. 112), and a report on sweating in East London (No. 331); in 1888 there was a report on sweating in Leeds (C. 5513), and also a report on the condition of nailmakers and small chain makers (No. 385). Some applications were made across the floor of the House for a cheap issue of this last paper at one

penny, but the real demand for it was so slight that, when I obtained the permission of the Board of Trade for anyone to reprint who chose, no one could be found willing to take the risk. The return (C. 5,866) moved for by myself in 1889 as to the laws in Europe and America affecting the hours of adult labor, and the enforcement or otherwise of those laws, was laid on the table by the Foreign Office as a command paper. The return (No 284, 1890) moved for by Mr. Provand, of the average number of hours and days worked in mines, was presented by the Home Office. I suggest that all labor information should go through the Labor Department of the Board of Trade.

The bulky volume issued by the Department of the Interior of the United States in 1886 (Vol. XX of the tenth census), being a report on the statistics of wages in manufacturing industries, with supplementary reports on the average retail cost of the necessaries of life, and on trade societies and strikes and lock-outs, shows what has been done in this direction in the Census Office at Washington. This census work is supplemented by the full annual reports made by the commissioners and chiefs of labor bureaus of the several States of Massachusetts, established 1869; Pennsylvania, 1872; Missouri, 1876; Ohio, 1877; New Jersey, 1878; Illinois, 1879; Indiana, 1880; New York, California, Michigan, and Wisconsin, all 1883; Iowa and Maryland, 1884; Kansas and Connecticut, 1885; North Carolina, Maine, Minnesota, Colorado, and Rhode Island, 1887. Similar bureaus have also been advocated in other States of the Union, but I have as yet no official information as to their establishment. A Federal Labor Bureau was established at Washington in 1885, under the Hon. Carroll D. Wright, the father of the American labor statistical movement.

That the independent statistical investigations of the various States may be as thorough and as wisely conducted as possible, the chiefs of the respective labor bureaus, besides continually corresponding, meet each year in national convention. The first such meeting was held at Columbus, Ohio, in 1883. From the report of the address delivered by Mr. C. D. Wright, president of the fifth annual convention held in 1887 at Madison, Wisconsin, I take a few words, weighty because of the high repute and long experience of the speaker. "I believe most emphatically," he said, "that the bureaus of statistics of labor can furnish the necessary elements for the solution of some of the great social and industrial problems that are pressing upon the people," and he added: "Nearly all the great questions which affect the people in their mutual relations must either be settled, or receive great primary aid in settlement, through statistical efforts. The European statistician, trained in the schools for his work, skilled by his experience for the very best accomplishments, has not yet devoted much attention to the line of investigations which are specifically the province of our bureaus. He has devoted himself to the movements of population, to the statistics of life; but he has not yet gone into the vital questions which grow out of the progress of industrial organisation: he has not had the facilities of Governmental protection and stimulation, nor has he had the benefit of the great intelligence of the masses which comes from free educational custom. These give American bureaus of labor an advantage over Governmental bureaus of statistics of European States." Surely there is no reason why our Transatlantic cousins should keep this advantage over us. Surely employer and employed alike, throughout Great Britain and Ireland, will second any earnest effort to outvie the results obtained even in

Massachusetts. I complain that at the Board of Trade the collection of labor statistics has been starved.

In December, 1888, Mr. Giffen officially stated that the provision for the department was insufficient, both as to junior and superior officers. I assert that it is insufficient still. Mr. Giffen in 1888 reported that the Labor Correspondent had served in other official capacities, which had much occupied his time. I submit that his whole time should be devoted to this department, and that he should have proper clerical assistance.

In an appendix to Mr. Giffen's 1888 memorandum, the Board of Trade added, as if with its approval, an extract from the views of Professor Richmond Smith, of Columbia College, New York, on the methods and principles to be applied in dealing with labor statistics in the census. As public opinion has not pressed, nay, has scarcely backed, the Board of Trade, so far as the general census of 1891 is concerned, and as the Board of Trade vote was taken this year after half-past one on a late August morning, in an almost empty House, I venture through these pages to appeal to politicians, without distinction of party, that the Labor Statistical Department of Great Britain may be sustained at least as efficiently as is the Labor Bureau of the Commonwealth of Massachusetts. Ignorance of facts and figures can be of no service to either capitalist or laborer, and as the Liverpool Trades Congress has directed its Parliamentary Committee to submit to the House of Commons more than one point of vital importance for the proper consideration of which such statistics must be helpful, I trust that this alone may give force to my appeal.

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